

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 3

In the Matter of:

Starbucks Corporation,	Case Nos.
	03-CA-285671 03-CA-290555,
Employer,	03-CA-291157 03-CA-291196,
	03-CA-291197 03-CA-291199,
and	03-CA-291202 03-CA-291377,
	03-CA-291378 03-CA-291379,
Workers United,	03-CA-291381 03-CA-291386,
	03-CA-291395 03-CA-291399,
Petitioner.	03-CA-291408 03-CA-291412,
	03-CA-291416 03-CA-291418,
	03-CA-291423 03-CA-291431,
	03-CA-291434 03-CA-291725,
	03-CA-292284 03-CA-293362,
	03-CA-293469 03-CA-293489,
	03-CA-293528 03-CA-294336,
	03-CA-293546 03-CA-294341,
	03-CA-294303 03-CA-206200

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UNITED STATES OF AMERICA
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STARBUCKS CORPORATION,

Employer,

and

WORKERS UNITED,

Petitioner.

Case No.

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03-CA-293528 03-CA-294336,
03-CA-293546 03-CA-294341,
03-CA-294303 03-CA-206200

The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL ROSAS**, Administrative Law Judge, at the National Labor Relations Board, Region 3, Jackson Courthouse, Wyoming Courtroom, 2 Niagara Square, Buffalo, New York 14202, on **Wednesday, July 27, 2022, 9:01 a.m.**

1 A P P E A R A N C E S

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I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
3						
4	Caroline Lerczak	820	839,840	852,854	853	
5	Rachel Cohen	856,887	922,926	935		
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E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**General Counsel:**

GC-52 (a)

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GC-52 (b)

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GC-53

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GC-54

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GC-56 (a) and 56 (b)

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Joint:

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P R O C E E D I N G S

MS. CACACCIO: We have spoken to Respondent's counsel about two different issues. I'll address the first first.

We -- I expect some time today -- just so there's no surprises, I expect sometime today you're going to be getting a motion from us requesting the Zoom testimony from three witnesses that we recently learned and moved very far out of town. One is in Brooklyn, New York, one is in Maine, and one is in London, England. Respondent opposes the motion for the reasons that they opposed the Union's motion to do the whole thing by Zoom. And the Union is joining in the motion, but you'll get all the details that you need in the -- in the motion that will be filed today.

JUDGE ROSAS: Respondent will oppose the motion?

MR. BALSAM: That's correct, yes.

JUDGE ROSAS: Okay. Okay.

MS. CACACCIO: The second thing is, just to be clean and so we're all on the same page, I -- I talked to Respondent's counsel this morning about the -- about the recordings and this one in particular. We are going to go back to the beginning of the recording, have the witness identify what she can, from that simultaneous speech, who was there, what was going on, all of that, prior to the -- the two minutes before the transcription, just so that -- because we're not sure it's going to be transcribable. And everyone sort of wants to know

1 what's going on there, so we're going to do that.

2 I'm going to -- I think my plan -- and if Respondent wants
3 to do it differently, I'm -- I -- I don't have a strong
4 opinion. I was just going to keep going from where we were,
5 and then when we're done with the recording, go back to that,
6 if that works for everybody.

7 JUDGE ROSAS: Any objection?

8 MS. POLITO: No, Judge. We had a discussion about it this
9 morning.

10 JUDGE ROSAS: So once we complete that audio, is there
11 another audio with this witness?

12 MS. CACACCIO: No, Judge.

13 JUDGE ROSAS: Okay.

14 MS. CACACCIO: I don't think.

15 JUDGE ROSAS: Are there audios today?

16 MS. CACACCIO: Yes, Judge.

17 JUDGE ROSAS: Okay, and are those addressed by the five-
18 day roadmap?

19 MS. CACACCIO: We did our best. They got them Saturday,
20 but we're not at five days yet, so.

21 JUDGE ROSAS: Okay, all right. Let me go ahead.

22 MS. CACACCIO: Okay. We stopped the recording yesterday
23 at 20:02. I don't have the ability to be precise on the
24 recording, so you're going to see that we're starting in 19:54;
25 it's as close as I could get without going over. So I'm going

1 to -- and for those following in the transcript, I believe
2 we're on page 12.

3 JUDGE ROSAS: Okay, so the witness has taken the stand

4 And I remind you, you're under oath.

5 Whereupon,

6 **CAROLINE LERCZAK**

7 having been previously sworn, was called as a witness herein
8 and was examined and testified as follows:

9 **RESUMED DIRECT EXAMINATION**

10 Q BY MS. CACACCIO: I guess before I hit the button,
11 Caroline, have you talked to anyone about the content of your
12 testimony between yesterday and today?

13 A No.

14 MS. CACACCIO: I'm going to hit play.

15 (Audio played at 9:04 a.m., ending at 9:16 a.m.)

16 MS. CACACCIO: Can we go off the record, Your Honor?

17 We're off? Are we off?

18 JUDGE ROSAS: What?

19 MS. CACACCIO: Are we off the record?

20 JUDGE ROSAS: We're off the record.

21 (Off the record at 9:16 a.m.)

22 JUDGE ROSAS: We're at 32 minutes.

23 (Audio played at 9:17 a.m., ending at 10:20 a.m.)

24 MS. CACACCIO: That's the end of the transcription at
25 1:35:30. There are 11 seconds left and I'm going to play it.

1 And if there's speakers to identify, we'll do that per our
2 discussion.

3 (Audio played at 10:20 a.m., ending at 10:20 a.m.))

4 Q BY MS. CACACCIO: Do you know who that was?

5 A I believe it's Rossann Williams.

6 MS. CACACCIO: We're at 1:35:32.

7 (Audio played at 10:21 a.m., ending at 10:21 a.m.))

8 Q BY MS. CACACCIO: We're at 1:35:35. Do you know who that
9 voice is?

10 A I asked if the door opened.

11 Q And who responded?

12 A Rossann Williams.

13 (Audio played at 10:21 a.m., ending at 10:22 a.m.))

14 Q BY MS. CACACCIO: Who was the last speaker?

15 A Me.

16 Q And what did -- what were you talking about?

17 A I walked out. I got stuck at the door. And I said, you
18 can dress me up but you can't take me out.

19 MS. CACACCIO: That's the end of the recording. Per our
20 conversation before, I'm going to play the first 7 minutes and
21 39 seconds, have the witness identify the speakers and tell us
22 what's going on to the extent we're able to.

23 And again, Respondent, if you need me to stop at any
24 point, please just let me know.

25 (Audio played at 10:22 a.m., ending at 10:22 a.m.))

1 Q BY MS. CACACCIO: Do you know what's happening at this
2 portion? We're at ten seconds in.

3 A Yeah. I was speaking to Jojo Bayfield about some drama
4 that happened outside of my apartment.

5 Q And where were you at this point?

6 A We were in the lobby of the hotel.

7 (Audio played at 10:22 a.m., ending at 10:22 a.m.)

8 Q BY MS. CACACCIO: Do you recognize that voice?

9 A That is also Jojo Bayfield.

10 MS. CACACCIO: We're at 32 seconds.

11 (Audio played at 10:22 a.m., ending at 10:22 a.m.)

12 Q BY MS. CACACCIO: Do you know who's talking about the
13 COVID coach?

14 A I don't know.

15 Q Do you know who the speaker was after that?

16 A I believe it was Jojo.

17 MS. CACACCIO: We're at 40 seconds.

18 (Audio played at 10:23 a.m., ending at 10:23 a.m.)

19 Q BY MS. CACACCIO: Do you know who that -- who that one
20 is -- voice is?

21 A Yes. It was me.

22 Q We're at 48 seconds. Do you know what you're talking
23 about there?

24 A I was talking about the rent on Elmwood being too
25 expensive.

1 (Audio played at 10:23 a.m., ending at 10:22 a.m.)

2 Q We're at about a minute and 11 seconds. What's going on
3 here?

4 A I'm speaking with Jojo about not having a washer and dryer
5 in my apartment.

6 (Audio played at 10:24 a.m., ending at 10:24 a.m.)

7 Q BY MS. CACACCIO: We're at 1 minute and 33 seconds. What
8 are you talking about here?

9 A I was talking about getting a cat tree. Before that,
10 Ashley Edwards spoke.

11 Q And do you remember what she was talking about?

12 A I can't recall.

13 Q Are you able to hear it on the recording?

14 A I think she might have been responding to something about
15 my laundry comment.

16 MS. CACACCIO: We're at 1:33.

17 (Audio played at 10:24 a.m., ending at 10:25 a.m.)

18 Q BY MS. CACACCIO: Do you know who that voice was that said
19 oh?

20 A That was me.

21 Q Do you know what you were talking about?

22 A I was talking about my aunt purchasing a cat tree for me.

23 MS. CACACCIO: We're at 1:48.

24 (Audio played at 10:25 a.m., ending at 10:25 a.m.)

25 Q BY MS. CACACCIO: Do you know who says hey there?

1 A No.

2 MS. CACACCIO: We're at 2:22.

3 (Audio played at 10:25 a.m., ending at 10:25 a.m.)

4 Q BY MS. CACACCIO: Do you know who says you're joyful?

5 A I believe that's Allyson Peck's voice.

6 MS. CACACCIO: We're at 2:27.

7 (Audio played at 10:26 a.m., ending at 10:26 a.m.)

8 Q BY MS. CACACCIO: Do you know whose voice that is?

9 A That's Rossann Williams talking about napkins.

10 MS. CACACCIO: We're at 2:41.

11 (Audio played at 10:26 a.m., ending at 10:26 a.m.)

12 Q BY MS. CACACCIO: We're at 2:49. What's going on there?

13 A I'm speaking with Rossann Williams as she leads me to the
14 bathroom to acquire napkins for a drink that I spilled.

15 MS. CACACCIO: We're at 2:49.

16 (Audio played at 10:26 a.m., ending at 10:27 a.m.)

17 Q BY MS. CACACCIO: We're at 3:14. What are you talking
18 about here?

19 A Rossann and I are in the bathroom grabbing napkins. I'm
20 talking about the different layouts.

21 Q All right. The different layouts of what?

22 A Of the two bathrooms.

23 MS. CACACCIO: We're at 3:14.

24 (Audio played at 10:27 a.m. , ending at 10:27 a.m.))

25 Q BY MS. CACACCIO: We're at 3:53. What's happening here?

1 A I recognize someone because I did their tips the week
2 before.

3 Q Do you know who they were?

4 A I believe it was Gustavo.

5 MS. CACACCIO: We're at 3:53.

6 (Audio played at 10:28 a.m., ending at 10:29 a.m.))

7 Q BY MS. CACACCIO: What are you talking about here? We're
8 at 4:41.

9 A I don't know exactly what I was referencing. But I was
10 just saying that Chris sometimes failed to communicate with me
11 so sometimes I just had to make inferences.

12 Q Do you know who you were talking to?

13 A If you replay that, I can try and identify them. I can't
14 remember right now.

15 MS. CACACCIO: I backed it up to 3:48.

16 (Audio played at 10:29 a.m., ending at 10:30 a.m.))

17 Q BY MS. CACACCIO: Do you know who's talking there?

18 A I know it was either Rossann, Dana, or Allyson who said
19 it's 6:06. But I struggle to identify exactly who.

20 Q Did you hear the part yet where you were talking about
21 Chris? Has that happened yet? I don't know that it has.

22 We're going to keep going. We're at 4:27.

23 (Audio played at 10:30 a.m., ending at 10:30 a.m.))

24 Q BY MS. CACACCIO: Do you know who you're talking to there?

25 A No. I'm not sure if it was one person or the whole room.

1 MS. CACACCIO: We're at 4:46.

2 (Audio played at 10:30 a.m., ending at 10:31 a.m.)

3 Q BY MS. CACACCIO: Do you know who's talking about coffee?
4 We're at 5:09.

5 A Deanna asks if everyone got coffee.

6 (Audio played at 10:31 a.m., ending at 10:32 a.m.)

7 Q BY MS. CACACCIO: Do you know who's speaking there?

8 A Yes. That's Ashley Edwards.

9 MS. CACACCIO: We're at 6:15.

10 (Audio played at 10:32 a.m., ending at 10:32 a.m.)

11 Q BY MS. CACACCIO: Do you know who the voices are at this
12 part in the recording? We're at 6:41.

13 A I believe I was talking to Ashley Edwards still in the
14 beginning. I can't identify the background voices. I know
15 Matt Jackson is one of them.

16 MS. CACACCIO: We're at 6:41.

17 (Audio played at 10:33 a.m., ending at 10:33 a.m.)

18 Q BY MS. CACACCIO: Who are you talking to there? We're at
19 6:58.

20 A I think I was asking the entire room. But I think I also
21 looked at Jojo while I was asking.

22 (Audio played at 10:33 a.m., ending at 10:34 a.m.)

23 MS. CACACCIO: Let me just go back one second. This was
24 identified yesterday, but I want to make sure I have the right
25 minute and second for the court reporter.

1 (Audio played at 10:34 a.m., ending at 10:34 a.m.)

2 MS. CACACCIO: So we are where we left off yesterday where
3 the witnesses identified the speaker up to the start of the
4 transcript. I'm going to offer General Counsel's Exhibit
5 52(a), which is the recording, and 52(b), which is the
6 annotated transcript at this time.

7 MR. BALSAM: And we maintain our standing objection
8 regarding the admissibility of both the audio recording and the
9 transcript.

10 JUDGE ROSAS: General Counsel's 52(a) and 52(b) are
11 received over objection.

12 **(General Counsel Exhibit Numbers 52(a) and 52(b) Received into**
13 **Evidence)**

14 MS. CACACCIO: And so that we're clear for the purpose of
15 the additional transcription, are we just -- do we want to go
16 off to talk about it or do you want it on? It's up to you
17 guys.

18 MR. BALSAM: Off the record's fine.

19 MS. CACACCIO: Okay. Can we just go off the record for a
20 moment, Judge?

21 JUDGE ROSAS: Sure.

22 (Off the record at 10:35 a.m.)

23 MS. CACACCIO: I'm requesting the transcription service
24 transcribe from General Counsel's Exhibit 52(a) from minute
25 7:31 to minute 9:37.

1 (Exhibit 52(a) transcribed to the best of our ability from 7:31
2 to 9:37 in audio file)

3 MS. PUSATIER: Almost the weekend. Good, good, good.

4 Well, I'm Deanna. And what's your -- Gus?

5 UNIDENTIFIED SPEAKER: Yeah, or Gustavo. Either one.

6 MS. PUSATIER: Okay.

7 UNIDENTIFIED SPEAKER: Gus or what?

8 UNIDENTIFIED SPEAKER: Gustavo.

9 MS. PUSATIER: I'm excited to hang -- hang with you again.
10 So welcome, and thanks for being here with us. So it was my
11 turn to choose the coffee tasting. So I chose some things that
12 are my favorite, which is espresso roast in a French press.
13 Has anybody ever had that before? Yeah? Okay, good. No?
14 Mostly nos.

15 MS. LARCZAK: I think we've done it for a couple tastings.

16 MS. PUSATIER: Oh, you have?

17 MS. LARCZAK: Yeah.

18 MS. PUSATIER: Oh, that's awesome.

19 MS. LARCZAK: Like in our store.

20 MS. PUSATIER: That's good. That makes me really happy
21 because a lot of people haven't had it. And I just think it's
22 like -- I don't know. I just think it's so underappreciated in
23 this brewing method.

24 So part of the reason I love this so much is because when
25 I started with Starbucks a really long time ago, I -- at the

1 time we had done -- we had done -- first, it used to be called
2 first impressions. And so I sat there with -- there were five
3 of us. So four people that became my good friends. And we did
4 a French press together. And before -- before I started
5 working at Starbucks, I would come every single day. But I was
6 a pretty heavy Frappuccino drinker.

7 And then I just really just always assumed that I hated
8 black coffee. And so as soon as I tried the French press I was
9 like, oh my gosh, I just love it. Like the natural oils, it
10 just tastes like there's cream in it to me. And then I really
11 appreciate the espresso roast because I love how it's the heart
12 of so many of our beverages just like the partners are the
13 heart of our stores. So cheers.

14 UNIDENTIFIED SPEAKER: Cheers. Thank you.

15 UNIDENTIFIED SPEAKER: Is anybody not drinking coffee at
16 night because you can't sleep?

17 UNIDENTIFIED SPEAKER: I don't like coffee.

18 UNIDENTIFIED SPEAKER: I just had like 12 shots of
19 espresso.

20 UNIDENTIFIED SPEAKER: Well, that's enough then. You
21 don't need anymore.

22 MS. LARCZAK: Yeah. I'm not trying to double fist right
23 now. I've -- I've started a commitment.

24 UNIDENTIFIED SPEAKER: As I double fist --

25 MS. LARCZAK: Yeah. But that's like --

1 UNIDENTIFIED SPEAKER: -- my five shots of blonde roast.

2 MS. LARCZAK: Yeah. That's like -- you can cross between
3 those two. I don't think espresso roast and a Red Bull --

4 UNIDENTIFIED SPEAKER: That's true. Goes with Red Bull?

5 MS. LARCZAK: -- would -- would match well. Not a good
6 pairing. Wouldn't recommend it.

7 UNIDENTIFIED SPEAKER: It's all good.

8 UNIDENTIFIED SPEAKER: You what?

9 MS. LARCZAK: I wouldn't recommend that pairing.

10 UNIDENTIFIED SPEAKER: No. I don't think that's a good
11 pairing at all.

12 (Transcription of audio file designation completed)

13 JUDGE ROSAS: Okay. Do you have further questioning of
14 this witness?

15 MS. CACACCIO: Yes, Your Honor. Can we go off the record
16 very briefly?

17 JUDGE ROSAS: Okay. Off the record. We'll take a
18 break -- five-minute break.

19 (Off the record at 10:36 a.m.)

20 JUDGE ROSAS: Back on the record.

21 Q BY MS. CACACCIO: Was your store ever closed for a
22 remodel?

23 A Yes.

24 Q When -- how did you learn about that?

25 A At some point either in late September or early October,

1 it was brought up to us that we were finally getting a remodel.
2 And they told us that we were going to be closed for the
3 remodel.

4 Q Who told you that?

5 A I believe I heard it from Lyon Mendoza.

6 Q When did the remodel happen?

7 A It was in October.

8 Q Was this the first time that you had experienced a remodel
9 in your store?

10 A Yes. I had heard rumors from the time I had started about
11 getting a remodel. But this was the first time it ever
12 happened.

13 Q Did you ever -- who did you hear those remodels from --
14 the -- the rumors from?

15 A Alexis Rizzo, another partner at my store, would
16 frequently talk about how it was always mentioned, never
17 happened. And additionally, Patricia Pullacheen (phonetic
18 throughout) mentioned hearing it before.

19 Q Did you ever hear it from management?

20 A I don't believe so.

21 Q What were employees supposed to do for work during your
22 October remodel?

23 A I believe they were advised to pick up shifts at other
24 stores.

25 Q What did you do?

1 A I think that was overlapping part of the time where I was
2 out on COVID isolation. If not, I was having an internship at
3 the time as well, so I might have also just taken the days off.
4 I can't recall.

5 Q Did you work after the remodel was over?

6 A Yes.

7 Q What changed during the remodel, based on your
8 observations?

9 A They redid a bunch of our countertops. They fixed the
10 alarm on the back door in the back of house. We got a blue
11 light. I believe it was for bugs or something like that.
12 There were new fixtures put in, new shelves. Stuff like that.

13 Q You said it was October. Can you tell us what year it
14 was?

15 A Of 2021. Sorry.

16 Q Were you the only store being -- in the area being
17 remodeled in October 2021?

18 MR. BALSAM: Objection. This -- this witness only worked
19 at one particular store. She would not be able to testify
20 about other stores and their remodels.

21 MS. CACACCIO: Your Honor, if I might be heard?

22 JUDGE ROSAS: Overruled. If you know based on personal
23 knowledge.

24 A Yes.

25 Q BY MS. CACACCIO: Were you the only store in the area

1 being remodeled in October 2021?

2 A Sorry. No. I thought you asked something different.

3 Q How do you know that?

4 A We had partners from the Niagara Falls Boulevard store
5 that were working at our store while theirs was closed for a
6 remodel.

7 Q What impact, if any, did that have on you?

8 A We were very much overstaffed. So we typically were
9 running the floor with maybe ten or more partners.

10 Q Can you tell us why that matters?

11 A So that makes it a little bit harder to do my job. As a
12 shift supervisor, I'm responsible for deploying people in
13 certain positions and also running all of their breaks. So
14 having ten people would equate to five hours of lunches, which
15 is hard to manage and maintain, as well as finding spots for
16 people to be where they can actually do work.

17 Q Had overstaffing -- had overstaffing like this happened at
18 other times in your experience?

19 A I had never experienced overstaffing like this.

20 Q I'd like to direct your attention to October 12th of 2021.
21 Did you go to work that day?

22 A I did.

23 Q What time did you arrive to work?

24 A I arrived at 4:30 in the morning.

25 Q What if any manager was working that day?



- 1 A Lyon Mendoza came in.
- 2 Q What happened?
- 3 A I went to take my break. So it was a ten-minute break.
- 4 There was a line in the cafe, but I was feeling dizzy so I
- 5 grabbed a croissant and I told Lyon that I would pay for it as
- 6 soon as the line died down, that I just needed to get something
- 7 in my stomach because I felt a little dizzy.
- 8 Q Where did you go with your croissant?
- 9 A I went to the back of the house.
- 10 Q What happened then?
- 11 A He approached me while I was sitting at the desk eating
- 12 with the COVID coach in hand and told me that I needed to go
- 13 home.
- 14 Q Did he say anything else?
- 15 A He said that, you know, with everything that was going on
- 16 with me being dizzy, that my symptoms were requiring me to go
- 17 home via the COVID coach.
- 18 Q What did you say?
- 19 A I asked him, like, are you serious, for real? And he said
- 20 yes. And then I kind of just left it at that.
- 21 Q Did you hear anything about what he put in the -- did he
- 22 tell you what he put into the coach?
- 23 A Yes. I believe he inputted fatigue, dizziness, and runny
- 24 nose.
- 25 Q Had you told him you were fatigued?

1 A I hadn't explicitly said I was fatigued. But I was
2 opening, so I was probably tired.

3 Q Did he ask if you had a runny nose before he put it into
4 the COVID coach?

5 A I don't believe so.

6 Q Did you have a runny nose?

7 A I don't recall having one.

8 Q So did you end up going home?

9 A I did.

10 Q How much longer did you have in your shift at the time he
11 sent you home?

12 A I can't recall if it was a full eight-hour shift or a half
13 of a shift. But I had at minimum, half of my shift left.

14 Q Were you paid for the remainder of that day?

15 A I believe I clocked out and went home. I'm not clear.

16 Q How long -- did you learn how long you had to be home?

17 A Yes. The isolation period at that point was ten days.

18 Q What happened after that?

19 A On October 19th, I received a positive COVID result. So I
20 took a test. I started having symptoms I think the day before
21 or two days before. I got my results on the 19th. And I
22 reached out to my district managers and my store manager --
23 sorry, not district manager, just my store managers -- to let
24 them know that I now had a positive test and to see where to go
25 from there.

1 Q Did you ever return to work after your quarantine?

2 A I did.

3 Q When did you do that?

4 A I didn't return back to work until November.

5 Q And after you returned to work, did you notice whether
6 anything had changed in your store?

7 A Yes. So we had all of the updates from the remodel. But
8 also, Saturday night, we were closing a couple hours early.

9 Q Do you remember how many hours early?

10 A I believe it was two or three.

11 Q Did this impact your hours personally?

12 A Yes. I was the closing shift supervisor on Saturday
13 nights.

14 Q You mentioned that you were a barista trainer. Can you
15 explain to us what you did as a barista trainer?

16 A Yeah. So basically, you will be paired with a trainee and
17 you will walk them through your computer training, as well as
18 be responsible for their on the floor training. So you're
19 basically this partner's first contact at the store.

20 Q Are you compensated for those extra duties?

21 A Yes. You receive a bonus.

22 Q Did the employer ever change the way the training occurred
23 when you were working there?

24 A Yes.

25 Q When did that happen?



1 A I believe it was in October or November. I'm not exactly
2 sure of the exact date.

3 Q Of which year?

4 A 2021.

5 Q And how did it change?

6 A The store known as Walden and Anderson was shut down and
7 utilized fully as a training store. So every new barista that
8 got hired started training at Walden and Anderson and then was
9 after that shipped out to their store.

10 Q Had you ever experienced centralized training prior to
11 when this happened in the fall of 2021?

12 A No. I had not.

13 Q Did your store receive any trainees from the Walden and
14 Anderson store?

15 A We did.

16 Q How many?

17 A I know at least a couple. But I'm not exactly sure how
18 many.

19 Q And at the time you left, how many barista trainers were
20 at your store?

21 A We had a handful of them. Most of the barista trainers
22 that were doing the training were just baristas. Every shift
23 supervisor has to be a barista trainer in order to hold the
24 position of shift supervisor. But a lot of our shift
25 supervisors were not interested in training. So it fell on

1 like the two or three baristas that were trainers.

2 Q Did you work with any of these employees that were trained
3 at Walden and Anderson?

4 A Yes.

5 Q How many?

6 A I'd say at least three or four.

7 Q Were you able to observe their performance?

8 A Yes.

9 Q What did you observe?

10 A I noticed that a lot of the newer partners that had come
11 from Walden and Anderson were not clear on what the duties were
12 of each position. And a lot of them lacked confidence in -- in
13 being able to come out on to the floor and feel like they had
14 enough training.

15 Q So what did you do, if anything?

16 A We kind of just retrained them on the fly at our store.

17 Q Were you given a bonus for retraining these employees?

18 A Not that I'm aware of.

19 Q Do you know what NFB stands for?

20 A Yes. That's the shorthand for the Niagara Falls
21 Boulevard.

22 MS. CACACCIO: If I could just have a moment, Your Honor.
23 Could we go off the record just for a second?

24 JUDGE ROSAS: Off the record.

25 (Off the record at 10:58 a.m.)

1 MS. CACACCIO: I have no other questions for this witness
2 at this time, obviously subject to recall and recross -- or
3 redirect.

4 JUDGE ROSAS: Charging Party.

5 **CROSS-EXAMINATION**

6 Q BY MR. HAYES: Caroline, in the recording that we just
7 listened to this morning from September 16th, do you remember
8 using several swear words?

9 A Yes.

10 Q Okay. Were you ever disciplined for any of those?

11 A Not for using them in that meeting. There was a time
12 where I used a swear word on the floor, and I was talked to for
13 that.

14 Q Okay. I -- I was just asking about using them in that
15 meeting.

16 A No. I was never disciplined in that meeting for it.

17 Q Were you ever coached or talked to in any other way about
18 it?

19 A No. Not --

20 MR. BALSAM: Objection. The witness already answered the
21 question. She said she was never disciplined --

22 MR. HAYES: Your Honor --

23 MR. BALSAM: -- which it would fall --

24 JUDGE ROSAS: I'll allow -- I'll allow it as far as
25 coaching is concerned just to make it clear. Overruled.



1 A There was never any coaching or follow up for my swearing
2 in that meeting.

3 MR. HAYES: Okay. Nothing further.

4 JUDGE ROSAS: All right. Off the record.

5 (Off the record at 11:00 a.m.)

6 **CROSS-EXAMINATION**

7 Q BY MR. BALSAM: You testified that you joined Starbucks in
8 or around 2018; is that correct?

9 A Yes.

10 Q And when you first started working for Starbucks, were you
11 provided a copy of the partner guide?

12 A I don't remember if I got a hard copy. But I was directed
13 that it was on the partner hub.

14 Q And when you -- when you were directed that it was on the
15 hub, did you review the policy?

16 A I might have looked over it quickly. But I did not read
17 it in depth.

18 Q Did you acknowledge receipt of it -- of the document?

19 A I believe so.

20 Q And by virtue of acknowledging receipt of the partner
21 guide, you agreed to abide by all policies and procedures of
22 Starbucks, correct?

23 A Yes.

24 Q You mentioned that you are part of the organizing
25 community for Workers' United, correct?

1 A I was. I am no longer part of it.

2 Q No longer. But at the time, in August of 2021, you were a
3 part of the organizing committee for Workers' United, correct?

4 A That is correct.

5 Q And then you also testified that the organizing campaign
6 went public in August of 2021, correct?

7 A That is correct.

8 Q And when it went public in August 2021, was it when you
9 and your fellow organizer sent the Dear Kevin letter?

10 A Yes.

11 Q And the date of that Dear Kevin letter was August 23rd,
12 correct?

13 A I don't know the exact date. But that sounds correct.

14 Q And you testified that you signed the Dear Kevin letter,
15 correct?

16 A That is correct.

17 Q You testified that your district manager, David LeFrois,
18 came into your store after the Dear Kevin letter was sent,
19 correct?

20 A That is correct.

21 Q And you said this was unusual, correct?

22 A It was unusual for him to be in the store without Chris,
23 my store manager.

24 Q And isn't it true that he did not speak to you about the
25 union organizing campaign?

1 A That's true.

2 Q And all he did was ask you how you were doing?

3 A Yeah. He did that. And he worked in the lobby that day.

4 Q Isn't it possible that he was there because Chris was
5 absent that day?

6 MS. CACACCIO: Objection. Speculation.

7 JUDGE ROSAS: Sustained.

8 Q BY MR. BALSAM: Now, we also listened to two audio
9 recordings that you recorded, correct?

10 A Yes.

11 Q Are there any other audio recordings that you have in your
12 possession?

13 MS. CACACCIO: Objection. Relevance.

14 JUDGE ROSAS: You can answer.

15 A Those two are the only recordings that I have.

16 Q BY MR. BALSAM: Did you make two -- any other audio
17 recordings?

18 MS. CACACCIO: Objection. Asked and answered.

19 MR. BALSAM: No. That's not -- it's a different question.

20 JUDGE ROSAS: Overruled.

21 A The recordings that were played today and yesterday are
22 the only two recordings that I have.

23 Q BY MR. BALSAM: That wasn't my question. My question was
24 did you make any other audio recordings?

25 A No. Not that I know of.

1 Q You -- you wouldn't know if you made recordings?

2 MS. CACACCIO: Objection. Argumentative. The witness
3 answered the question.

4 MR. BALSAM: It's cross.

5 JUDGE ROSAS: Counsel -- counsel, I'm sorry. I'm missing
6 something. Explain the --

7 MR. BALSAM: The question?

8 JUDGE ROSAS: -- difference between -- you asked her --

9 MR. BALSAM: I asked her if she had in her possession --

10 JUDGE ROSAS: -- if she made any other audio recordings.
11 What are you asking her now?

12 MR. BALSAM: I asked her if she had any additional audio
13 recordings.

14 JUDGE ROSAS: Oh.

15 MR. BALSAM: She said no. And then I said, well, did you
16 make any other audio recordings.

17 JUDGE ROSAS: Okay. So -- okay. I've got you.
18 Overruled. You can answer.

19 A No. I did not make any other audio recordings.

20 Q BY MR. BALSAM: And you testified that you were paid to
21 attend these meetings, correct?

22 A That's correct.

23 Q And you also testified that you did not believe that these
24 meetings were mandatory, correct?

25 A I was under the impression that the first meeting was

1 mandatory.

2 Q What gave you the impression that the first meeting was
3 mandatory?

4 A The way that my manager presented it.

5 Q And what was -- what was the way in which your manager
6 presented the meeting to you?

7 A He told us to pick one time that was offered that would
8 work for us because we were expected to attend.

9 Q But he never said that the meetings in fact were
10 mandatory?

11 A I don't recall him explicitly saying that it was
12 mandatory.

13 Q Now, in the September -- in the September 16th listening
14 session that you attended -- and I'm going to quote directly
15 from the transcript -- you say, "For the people that are, like,
16 pro-union, like, it feels most -- almost intimidating, like,
17 since we haven't, like, met you guys before this. And now
18 we're just like, woah, there's a bunch of people here." What
19 was intimidating about any of that?

20 A In my past history with Starbucks, the highest ranking
21 official that I had ever met or interacted with was the
22 district manager. So to meet Rossann Williams, who at the time
23 was the president of North America, was a pretty big deal. And
24 having the three of those high ranking officials there felt
25 somewhat intimidating.

1 Q But isn't it true that you were very vocal during the
2 entirety of the meeting --

3 MS. CACACCIO: Ob --

4 Q BY MR. BALSAM: -- with Rossann Williams and her team?

5 MS. CACACCIO: Objection, Your Honor. I thought we
6 weren't doing chill. If we're doing it, I'm fine with it.

7 JUDGE ROSAS: We weren't doing what?

8 MS. CACACCIO: Chill evidence.

9 MR. BALSAM: If she's -- she's -- it's not chill. She's
10 testifying that she was intimidated by the meeting itself.

11 JUDGE ROSAS: It -- you know, it -- it may have some
12 relevance to something else. Overruled.

13 You can answer.

14 A Can you repeat the question for me?

15 Q BY MR. BALSAM: Sure. You said that you were intimidated
16 by the fact that Rossann Williams and members of her team were
17 there in Buffalo to speak with you, correct?

18 A Correct.

19 Q And you said that was intimidating, correct?

20 A Yes.

21 Q But yet you spent the entirety of the meeting speaking to
22 these individuals about your experiences at Starbucks, correct?

23 A Yes. That's true.

24 Q And -- and in fact, after the meeting ended, you stayed
25 behind and explained to your -- those individuals about

1 concerns you had with your district manager and your manager,
2 correct?

3 A That's true.

4 Q So it wasn't so intimidating that you couldn't speak to
5 them afterward and share your concerns freely, correct?

6 MS. CACACCIO: Your Honor, I'm renewing my objection about
7 this entire line of questioning. We already discussed that we
8 are not being permitted to enter just and proper evidence.
9 That's exactly what this is. If Respondent wants to change
10 their position on that, we're happy to -- happy to move
11 forward.

12 MR. BALSAM: That's not what this is. This witness has
13 said that she -- she was intimidated by that meeting itself.
14 She --

15 JUDGE ROSAS: So you're addressing it for purposes of
16 credibility?

17 MR. BALSAM: That's correct.

18 JUDGE ROSAS: Okay. Overruled.

19 A So yes, while I did feel intimidated, I also took it upon
20 myself as someone who was an organizing member of Starbucks
21 Workers' United to speak up because I knew that if I felt
22 intimidated, other people felt -- probably did, as well.

23 Q BY MR. BALSAM: But no one ever actually told you that
24 they felt intimidated at the time that you made this statement?

25 A During the meeting, no.

1 Q Okay.

2 A No one told me that they felt intimidated explicitly.

3 Q And in fact, nothing ever happened to you as a result of
4 speaking to these individuals during the meeting and after the
5 meeting, correct?

6 A That's correct. Nothing happened to me. As well as there
7 was no follow up from them.

8 Q With respect to the September 16th meeting, we heard that
9 there was a -- a portion of the meet -- there was a portion
10 that was recorded prior to the commencement of the meeting,
11 correct?

12 A That's true.

13 Q Why did you start recording the pre-meeting discussions?

14 MR. HAYES: Objection. Relevance.

15 JUDGE ROSAS: Overruled.

16 A I started recording because I wanted to make sure that I
17 would have the entirety of the meeting recorded.

18 Q BY MR. BALSAM: But that was before. That wasn't a
19 meeting. That was before the meeting?

20 A Yes. But --

21 Q So --

22 A -- I started recording it before the meeting so that I
23 would capture all of the meeting, everything that Rossann,
24 Deanna, and Allyson had said.

25 Q Was there any aspect of the recording -- was there any

1 aspect of your time on premises that was not recorded?

2 A Probably.

3 Q About how -- how long was not recorded?

4 MR. HAYES: Objection. Relevance.

5 MS. CACACCIO: Object --

6 JUDGE ROSAS: Overruled. I mean, sustained. I'll sustain
7 that. I'll sustain that.

8 MR. BALSAM: On -- on what grounds, Your Honor?

9 JUDGE ROSAS: Anything else pre -- prior to the portion
10 that was recorded -- you're asking why she didn't record
11 anything before that; is that right?

12 MR. BALSAM: No. I'm asking if there was aspects that
13 were not recorded, how long was not recorded, and why was it
14 not recorded.

15 JUDGE ROSAS: Okay. So with respect to any portion of
16 time starting with her arrival at that location --

17 MR. BALSAM: It goes to the completeness --

18 JUDGE ROSAS: -- to the --

19 MR. BALSAM: -- of the record.

20 JUDGE ROSAS: I'm not done.

21 MR. BALSAM: Sorry.

22 JUDGE ROSAS: From the time that she arrived at this
23 location to the point where it starts getting recorded, she's
24 answered the question.

25 MR. BALSAM: It goes to the fact that it's not a complete

1 recording of the -- of the time that --

2 JUDGE ROSAS: Okay. You want --

3 MR. BALSAM: -- she was present.

4 JUDGE ROSAS: You want to take any portion after the time
5 when she starts recording so that if she skips recording at any
6 time during the period of time thereafter? That's fine.
7 Anything before, she's already answered that.

8 MR. BALSAM: Okay.

9 Q BY MR. BALSAM: You testified that your location was
10 remodeled in October, correct?

11 A Yes.

12 Q And the changes that were -- that were made were in fact
13 things that partners had complained about for a long time,
14 correct?

15 A This is true.

16 Q Are you aware of any approval process that goes into play
17 with respect to remodeling stores?

18 A No. I don't have insight on that.

19 Q So isn't it possible that the delay in making those
20 remodels was caused because of an approval --

21 MR. HAYES: Objection. Speculation.

22 Q BY MR. BALSAM: -- process in place?

23 MR. HAYES: Speculation.

24 JUDGE ROSAS: Hold on. Don't -- don't answer right away
25 so they don't talk over each other, okay. If they're

1 feeling -- sometimes they have to jump out. Say the entire
2 question again, and then you have an objection.

3 Q BY MR. BALSAM: Isn't it possible that the delay in the
4 remodel occurred because of the -- the approval process in
5 place to commence paid remodel?

6 MS. CACACCIO: Objection. Speculation.

7 JUDGE ROSAS: Foundation. She doesn't know as to the
8 process.

9 MR. BALSAM: How do you she doesn't know that?

10 MS. CACACCIO: She testified she didn't know; you just
11 asked that question.

12 Q BY MR. BALSAM: Are you familiar with --

13 JUDGE ROSAS: Sustain; sustain.

14 MR. BALSAM: Thank you.

15 JUDGE ROSAS: Go ahead.

16 THE WITNESS: Can you ask me that question again?

17 Q BY MR. BALSAM: Are you familiar with the process that
18 goes into place with respect to remodeling of stores?

19 MS. CACACCIO: Objection. Asked and answered.

20 JUDGE ROSAS: I will let you would do it one more time so
21 we're clear. Go ahead.

22 THE WITNESS: No.

23 Q BY MR. BALSAM: You claimed that Starbucks overstaffed
24 your store with Niagara Falls employees, correct? During the
25 remodel of Niagara Falls?

1 A Yes.

2 Q Isn't correctly that this was a temporary change with
3 respect to the individuals that came over to your location; it
4 was temporary in nature; is that correct?

5 A Yes, that's correct.

6 Q But your knowledge in your store didn't back up pods
7 during this time frame, correct?

8 A Yes.

9 Q And that it was -- it would be helpful for your store to
10 have even more individuals at the location to address the
11 quality of issue?

12 A Yep.

13 Q You discussed how individuals were trained at Walden and
14 Anderson; is that correct?

15 A Yes.

16 Q And in the past, partners complained that there was
17 insufficient time to train new employees and made the job
18 harder, correct?

19 A Yes.

20 Q There was some discussion about how you were sent home out
21 of concern that you may have COVID, correct?

22 A Yes.

23 Q And you were stated that you were not sure if you got paid
24 for that time that you were sent home, correct?

25 A I was referring to the remainder of that shift when I left

1 early.

2 Q Okay. So this -- when you said you were not sure if you
3 got paid, you were referring to a four-hour window of time,
4 correct?

5 A Correct.

6 Q But with respect to the time that you were off because of
7 concerns that you may have had COVID, isn't it true that you
8 were, in fact, paid?

9 A I was paid for both of my isolation periods; that is
10 correct.

11 MR. BALSAM: I don't have nothing else.

12 JUDGE ROSAS: Redirect.

13 MS. CACACCIO: Yes, Your Honor.

14 **REDIRECT EXAMINATION**

15 Q BY MS. CACACCIO: How long were the Niagara Falls
16 Boulevard employees at your store?

17 A I'd say maybe a week, at most.

18 Q After the September 16th meeting, did anyone tell you that
19 they felt intimidated by what was going on?

20 A I know that --

21 MR. BALSAM: Objection. Outside the scope of cross.

22 JUDGE ROSAS: You asked her about whether she was
23 intimidated?

24 MR. BALSAM: At the time of the meeting. I limited it to
25 that.

1 MS. CACACCIO: May I be heard? There was also a question
2 as to whether employees ever told her that they felt
3 intimidated, and I wanted to learn that, and I'm entitled to as
4 the door's opened.

5 JUDGE ROSAS: Overruled.

6 A So even after the meeting, I live with Danka Dragic, who
7 is a shift supervisor at the Genesee store location, and she
8 had told me that she had also felt intimidated.

9 Q BY MS. CACACCIO: Is she the only person who told you
10 that?

11 A The only person I can say with absolute confidence.

12 Q Do you remember any other discussions about that amongst
13 your coworkers?

14 A I remember hearing people saying that it was like unusual,
15 and it was something that they were not expecting.

16 MS. CACACCIO: No further questions for this witness at
17 this time, Judge.

18 MR. HAYES: No questions.

19 JUDGE ROSAS: Any follow up?

20 MR. BALSAM: Just one.

21 **RECROSS-EXAMINATION**

22 Q BY MR. BALSAM: With respect to your final statement just
23 now about how it was unusual not expecting, what are you
24 referring to?

25 A I'm referring to the listening sessions.

1 Q Okay. So you're limiting it to the fact that there were
2 listening sessions? That -- this idea that it was unusual --
3 it's limited to those listening sessions that was unusual?

4 A Yes.

5 MR. BALSAM: Okay. I have nothing further.

6 JUDGE ROSAS: Okay. We're good.

7 MS. CACACCIO: Your Honor, may I?

8 JUDGE ROSAS: Well, you have a follow up to that?

9 MS. CACACCIO: I do.

10 **FURTHER REDIRECT EXAMINATION**

11 Q BY MS. CACACCIO: Was anything else discussed as unusual
12 about what was going on?

13 MR. BALSAM: Objection. She just testified that it was
14 limited to just the listening sessions. My question was very
15 specific.

16 JUDGE ROSAS: You asked her whether it was limited to the
17 listening sessions, so the implication was it something else
18 which opens the door for the General Counsel. Overruled.

19 A So in reference to the listening sessions, yes, it was
20 explicitly like in that moment, the unknown -- or the
21 unfamiliar, unexpected was about the listening sessions, but
22 people have confided that, you know, other things, as well as
23 the listening sessions, but people had confided that, you know,
24 other things, as well as the listening sessions, like the
25 support managers being there was something unusual and

1 unexpected, as well.

2 MS. CACACCIO: Nothing further, Your Honor.

3 MR. BALSAM: I have nothing further.

4 JUDGE ROSAS: All right. Your testimony is concluded.

5 Don't discuss your testimony with anyone until you are advised
6 further by Counsel. Okay. Thank you.

7 THE WITNESS: Do you want these over here?

8 MS. CACACCIO: Yes, please.

9 JUDGE ROSAS: What do you have?

10 MS. CACACCIO: I have another witness, Your Honor, in the
11 hole.

12 JUDGE ROSAS: Okay.

13 MS. CACACCIO: If I could just have a minute to get
14 everything ready.

15 JUDGE ROSAS: Okay. Off the record.

16 (Off the record at 11:36 a.m.)

17 MS. CACACCIO: This is Rachel Cohen.

18 Whereupon,

19 **RACHEL COHEN**

20 having been duly sworn, was called as a witness herein and was
21 examined and testified as follows:

22 JUDGE ROSAS: Loudly at all times.

23 THE WITNESS: Yes.

24 JUDGE ROSAS: Give your name, spell it, and provide us
25 with an address.

1 THE WITNESS: Sure. Rachel Cohen, R-A-C-H-E-L C-O-H-E-N.
2 I live at 255 Saranac, S-A-R-A-N-A-C Avenue.

3 JUDGE ROSAS: City?

4 THE WITNESS: Oh, Buffalo, New York 14216.

5 **DIRECT EXAMINATION**

6 Q BY MS. CACACCIO: It is still morning, so good morning,
7 Rachel. What are your pronouns?

8 A She/her.

9 Q Who is your employer?

10 A Starbucks.

11 Q How long have you worked for Starbucks?

12 A Ten and a half years.

13 Q Have you been continuously employed by Starbucks during
14 that time?

15 A Yes, I have.

16 Q Will you please tell us what your home stores were during
17 that time for when you worked there?

18 A Sure. I was at the Delaware and Kenmore location 2011 to
19 2017/2018. And then I transferred to the Sheridan and North
20 Bailey location, and that's where I currently am.

21 Q What's your role with the company?

22 A Shift supervisor.

23 Q What does a shift supervisor do?

24 A We take care of breaks, we take care orders, we take care
25 of the day-to-day functions of the store, make sure everyone is



1 on time, and dress code. Basically the managers without the
2 manager being there.

3 JUDGE ROSAS: As we go on, certain -- certain things do
4 not need to be revisited.

5 MS. CACACCIO: Okay.

6 JUDGE ROSAS: Unless there's some indication on cross-
7 examination that there might be an issue. So with respect to
8 the duties, we can start to skip over stuff.

9 MS. CACACCIO: Okay.

10 Q BY MS. CACACCIO: Are you also a barista trainer?

11 A Yes.

12 Q Are you familiar with the union Workers United?

13 A Yes.

14 Q How are you familiar with the union?

15 A I started doing my research, and then I ended up joining
16 the union in my store.

17 Q Can you make sure you just keep your voice up?

18 A Oh, sure, sorry.

19 Q We can pull that mic to you if you need to. Just want to
20 make sure everyone can hear you. Thank you. Are you on the
21 organizing committee?

22 A Yes.

23 Q How long have you been on the organizing committee?

24 A I want to say since November of 2021.

25 Q And other than joining the organizing committee, have you

1 showed your union support in any other way at work?

2 A Yes, I have.

3 Q What -- in what way?

4 A I wore pins, I wore a shirt at one point. I spoke to
5 partners about the union about work.

6 Q How often did you wear your pin?

7 A Every day.

8 Q What pin did you wear?

9 A It's just a round Starbucks Workers United pin with a logo
10 of Sheridan.

11 Q How often --

12 MS. CACACCIO: Scratch that; I already asked that.

13 Q BY MS. CACACCIO: You said you also wore a shirt. What
14 shirt did you wear?

15 A It was just a shirt with a bunch of people picketing on
16 the upper cross and that was only about the time.

17 Q Do you know when the Buffalo employees announced their
18 intention to unionize?

19 A I want to say it was maybe July or August; it was really
20 warm out.

21 Q Of what year; do you know?

22 A 2021.

23 Q After that happened, did you notice Respondent making any
24 changes?

25 A Yes.

1 Q What was the first change that you noticed?

2 A The first change that I noticed was the amount of
3 corporate presence in my store.

4 Q Who, specifically, came to your store?

5 A My district manager at the time, Shelby Young, would visit
6 daily.

7 Q Prior to this announcement by the union, how often did she
8 visit your store?

9 A Maybe two or three times a year.

10 Q And during those two or three times a year, what did she
11 do?

12 A She would come in, grab a drink, say hello, and then sit
13 with partner manager at the big table.

14 Q And what about after the announcement of the campaign; how
15 often did she visit?

16 A Almost daily.

17 Q What did she do when she was -- after the campaign at all
18 started?

19 A Pretty -- pretty much the same thing. She would come in,
20 and -- and say hello, and then sit with our store manager for
21 the whole day.

22 Q As far as you're aware, does Shelby still work for the
23 company?

24 A As far as I'm aware, yes. She's in Rochester.

25 Q Did any other corporate officials visit your store, other

1 than Shelby?

2 A Yes.

3 Q When did that start?

4 A That started very shortly after Shelby. So maybe August
5 through October to November.

6 Q And who visited your store?

7 A We had Melanie Joy, Mallory. We had Rossann came in with
8 her, I don't know what he would be to her but Adam. We had --
9 I can't remember any names. That -- that's about it.

10 Q Do you know what Rossann Williams' title was?

11 A She was president of North America stores.

12 Q In the time there that you've worked for the company, had
13 you ever seen any of those people in your store before?

14 A No, I have not.

15 MS. POLITO: Objection to that phrase, those people. I
16 think they've been referred to as corporate officials.

17 MS. CACACCIO: Okay. That's fine. Prior -- I'll
18 rephrase.

19 Q BY MS. CACACCIO: In the ten years you have worked for the
20 company, had you ever seen any of those corporate officials in
21 your store?

22 A No, I have not.

23 Q Had you, in the ten years you've worked for the company,
24 had you ever seen any corporate officials of their ranking in
25 your store?

1 A No, I have not.

2 Q Generally, what did those visitors do when they came to
3 your store?

4 A They would come and talk to the baristas and shifts on the
5 floors. Sometimes pull them off the floor. They would help
6 clean, they would take out garbage, they would ask us if like
7 the way that our store was set up, if there was anything that
8 needed to be changed, any -- any problems that needed to be
9 fixed. And that was about the extent.

10 Q How often would they visit?

11 A Probably every day -- every day there would be at least
12 one person there.

13 Q Who was the store manager at Sheridan and Bailey in the
14 months before the campaign?

15 A That was Matthew Morales.

16 Q How often was he in your store?

17 A About 40 hours a week.

18 Q And what did he do when he was there?

19 A He would do admin on Mondays, so he would do payroll and
20 make the schedule, and then the rest of the week he would
21 either have meetings, or help us on the floor.

22 Q Did your store have any other managers at that time?

23 A Not at that time, no.

24 Q Is he still the store manager at Sheridan and Bailey?

25 A No, he is not.

1 Q Do you know about when he left the company?

2 A I want to say -- I think either late October or early
3 November.

4 Q Of what year?

5 A 2021.

6 Q Prior to the campaign, would you ever work without a
7 manager present in your store?

8 A Yes.

9 Q How often would that happen?

10 A Maybe three out of my shifts.

11 Q What about after the campaign?

12 A After the campaign, it was very hard to not have a manager
13 there. There was usually always somebody there.

14 MS. POLITO: Judge, I just want to note a continuing
15 objection to after the campaign and before the campaign,
16 because there have been different dates floated around. So I
17 think we need to be specific the date was August 23rd. That's
18 what other witnesses have testified to.

19 JUDGE ROSAS: Establish a benchmark.

20 MS. CACACCIO: I did, Your Honor. I -- I asked this
21 witness early on whether she knew when the employees in this
22 area went public with the campaign, and she testified late
23 summer.

24 JUDGE ROSAS: So what are we using as a benchmark, August?

25 MS. CACACCIO: Yes. I mean if Respondent is willing to

1 stipulate that that's when the campaign went public, we can do
2 that moving forward, but I think I have to base it on the
3 witness' testimony.

4 JUDGE ROSAS: Refer to August -- refer to August so we
5 have some standard reference.

6 MS. CACACCIO: Yes, Your Honor.

7 Q BY MS. CACACCIO: What happened after Matt left?

8 A After Matt left, we were introduced to two support
9 managers following -- and two other support managers.

10 Q So is that four total, just want to clarify?

11 A Four total, yes.

12 Q Who was the store's support manager prior to the campaign;
13 sorry, prior to August of 2021?

14 A Derek Sun and Sarah Tran were the first two.

15 Q Prior to the union campaign?

16 A Oh, there was none; my apologies.

17 Q And any of the other stores you worked in, prior to August
18 of 2021, was there ever a support manager there?

19 A No, there was not.

20 Q Had you ever heard of a support manager prior to the union
21 campaign?

22 A No, I have not.

23 Q When was your store -- store first assigned a support
24 manager?

25 A In October, right after Matt was not with the company

1 anymore.

2 Q Who was the first support manager assigned to your store?

3 A Derek Sun.

4 Q And who said there was another one at the same time; who
5 was that?

6 A Yes. Sarah Tran.

7 Q And you said there were two more after that; who were
8 they?

9 A Jared, I'm not sure of his last name; and then Amber
10 Burgess, I think was her last name.

11 Q Where was Derek from?

12 A Minnesota.

13 Q Did he ever tell you what he did in Minnesota?

14 A He was a store manager.

15 MS. POLITO: Objection. Relevance.

16 JUDGE ROSAS: I'm sorry. What's the objection?

17 MS. POLITO: Relevance.

18 JUDGE ROSAS: Overruled. You can answer.

19 THE WITNESS: He was a store manager.

20 Q BY MS. CACACCIO: How often was Derek in your store?

21 A About 40 hours a week.

22 Q What did he do when he was there?

23 A He took over what Matt did with scheduling and payroll,
24 and then he would frequently help us on the floor.

25 Q Did you ever talk to Derek?



- 1 A Yeah.
- 2 Q What did you talk to him about?
- 3 A Just how his store wasn't home and why he wanted to come
4 here.
- 5 Q What did he say about why he wanted to come here?
- 6 A He heard that our region needed extra work, and wanted to
7 come and help.
- 8 Q Did he tell you what he heard about the extra help that
9 this region supposedly needed?
- 10 A That we just needed support getting back to some
11 standards.
- 12 Q Did he still work at your store; sorry, does he still work
13 at your store?
- 14 A No, he left.
- 15 Q When did he leave?
- 16 A He left in December.
- 17 Q Of what year?
- 18 A 2021.
- 19 Q So let's talk about Sarah Tran. Do you know where --
20 where she came from?
- 21 A Chicago.
- 22 Q And what did she do in Chicago; do you know?
- 23 A She was a store manager there as well.
- 24 Q How often was Sarah in your store?
- 25 A She was in the store about 30 to 35 hours a week.

- 1 Q What did she do when she was there?
- 2 A She helped us on the floor mostly. She would do the same
- 3 things that we would.
- 4 Q Did you ever talk to Sarah?
- 5 A Yes.
- 6 Q What did you talk to her about?
- 7 A Same thing as is Derek. About why she was here and her
- 8 home store.
- 9 Q Did she tell you why she was here?
- 10 A Yes. It was the same -- same as Derek. She heard that we
- 11 had needed extra support in our region.
- 12 Q Does Sarah still work at your store?
- 13 A No.
- 14 Q When did she leave your store?
- 15 A She left in December as well.
- 16 Q Of which year?
- 17 A 2021.
- 18 Q You also mentioned someone named Jared. How long was he
- 19 in your store?
- 20 A Jared was only in our store for a couple of weeks.
- 21 Q What did he do when he was in your store?
- 22 A Jared would help us on the floor and he would also help us
- 23 try and get some standards that had slipped, try and help us
- 24 get on to a better spot.
- 25 Q Which standards were those?

1 A He was really focused on time and attendance, and dress
2 code.

3 Q When did he leave?

4 A Jared left maybe three or four weeks after he got there.
5 So I want to say November of 2021.

6 Q You also mentioned someone named Amber, and you gave the
7 last name, but I'm not going to try and reproduce it. What was
8 her title in your store?

9 A She was a support manager an in-house store.

10 Q Do you know where she was from?

11 A I think she was from West Virginia.

12 Q Do you know what she did in West Virginia?

13 A She was a store manager there as well.

14 Q Did she ever tell you; did you ever talk to he?

15 A I did talk to her.

16 Q And what did she talk about?

17 A The same thing. I just wanted to know why she wanted to
18 come here and how her home was.

19 Q Did she ever tell you why she was here?

20 A Yes. She also got the same ask about needing support from
21 the region.

22 Q How often was she in your store?

23 A She was in the store about 20 to 30 hours a week.

24 Q And what did she do in your store?

25 A She was somewhat like Jared, where she would help on the

1 floor. She would help us with standards.

2 Q Do you know which standards she helped with?

3 A Yes. She was really focused on dress code.

4 Q And when you say help you with standards, focus on
5 standards; what does that mean?

6 A So it means that there were things that might have been
7 misunderstood by partners, maybe there wasn't a lot of clarity
8 when it comes to dress code and the colors, and the standards
9 for being late, or being on time, and they would print us out,
10 and try to explain, you know, the Starbucks standards for --
11 for these things.

12 Q When did Jared and Amber start trying to bring your store
13 up to standards?

14 A I would say about two weeks after their arrival. They
15 just wanted to -- to work and get to know everybody first.

16 Q Directing your attention to dress code. How was dress
17 code handled in your store prior to August of 2021?

18 A It was followed. It was -- it was a bit slack. It was
19 followed like for food safety, we wouldn't have nails, or our
20 hair down, or open-toed shoes. Color scheme-wise it was a
21 little bit slacker than was allowed.

22 Q And what -- what happened to people who weren't following
23 it to the letter?

24 A So they would have a conversation with the store manager.
25 At the time it was Matt about whether they needed extra support

1 in affording clothes, or if they needed some extra time to find
2 the right shoes. And then after a certain amount of
3 conversations, it would end up being a verbal.

4 MS. POLITO: Once I object to the extent that the answer
5 is not based on her own personal knowledge. She referred to
6 them or them. So if it's her personal knowledge, fine. But if
7 it's not knowledge, that's my objection.

8 Q BY MS. CACACCIO: How do you know that?

9 A I know --

10 JUDGE ROSAS: Hold on. So I'm going to -- I'm going to
11 strike that answer and you're going to have to take a step back
12 and let's see what we can extract based on the personal
13 knowledge.

14 Q BY MS. CACACCIO: What do you, personally, know about how
15 dress code was enforced, prior to August of 2021.

16 A I, personally, know that we could not wear canvas shoes.
17 Because I had a conversation with my manager about the safety
18 issues of wearing shoes, and how things would get -- they
19 either would be burned if stuff spilled on it, so he did give
20 me some time to -- to be able to get new shoes.

21 Q Were you disciplined for that?

22 A No more than that conversation.

23 Q Do you know anything else, to your own personal knowledge,
24 your own personal observations?

25 A I, once, was told that I could not wear a graphic T-shirt

1 that I had worn in, and was not sent home. But was told at my
2 next shift I should not be wearing a graphic T-shirt.

3 Q Were you disciplined for that?

4 A No more than that conversation.

5 Q When did that happen?

6 A That happened in July; it was summertime, 2021.

7 Q And what about the shoes? When did that -- when did that
8 conversation happen with you?

9 A The shoes were also in July 2021.

10 Q Did you see what your coworkers were wearing to work when
11 you worked?

12 A Yes.

13 Q Were you able to observe whether they were strictly
14 following the dress code?

15 A Yes.

16 Q Were they?

17 A I would say, yes.

18 Q Prior to the union -- prior to August of 2021?

19 A Prior to 2021 -- August of 2021, there were some things
20 that were questionable, but I wouldn't -- I wouldn't define as
21 in dress code.

22 Q What about after August, 2021? Did how dress code was
23 handled in your store change at all?

24 A Yes.

25 Q How?

1 A There were conversations with the store managers and
2 myself, and other shifts about disciplining people who were not
3 in dress code by sending them home to get changed.

4 Q Who had those conversations with you?

5 A Derek and Amber.

6 Q Had you ever had conversations with your manager like that
7 before August of 2021?

8 A Not to that severity. Not that many consequences, no.

9 Q So sorry, go ahead. What happened?

10 A So Derek and Amber printed out the dress code and gave
11 all -- the dress code policy to all of us, and made us all sign
12 it -- the dress code policy to say that we would follow it, and
13 we handed them in, and the following week was a little tough,
14 because of the dress code was not clear, so there was a lot of
15 confusion the first week or two.

16 Q Do you remember when you were given that dress code to
17 sign?

18 A I want to say it was in November of 2021.

19 Q You also mentioned time and attendance as being something
20 that was being brought up to standards. How was that handled
21 before August of 2021?

22 A Before August of 2021, we gave a bit of a grace period if
23 there was a lot of traffic, and a partner would call and say
24 they were on their way, they were going to be a few minutes; it
25 was fine. If an appointment ran late, that was also fine. If

1 they wanted to punch in early because they took a bus, that was
2 also fine.

3 MS. POLITO: Judge, just to note the same objection. If
4 it's her personal experience. But if she's just talking
5 generally, I note my objection and ask that it be stricken?

6 MS. CACACCIO: May I be heard?

7 JUDGE ROSAS: Do you want -- no. Do you want to clarify
8 that?

9 MS. CACACCIO: May I be heard? You've given us the option
10 for secondary evidence, given that we haven't gotten any of the
11 disciplines that we requested for time and attendance, dress
12 code. That's exactly what this is, Judge.

13 JUDGE ROSAS: Okay. What I'm telling you to do now is
14 just simply clarify the context of the previous answer. Okay?

15 Q BY MS. CACACCIO: Can you clarify at all?

16 A Yes. So I had a -- I, personally, had a dentist
17 appointing in the beginning of the summer of 2021, that was
18 farther away than my usual dentist. So I called my store and
19 said, I know I said I would be there at 11, but I'm going to be
20 a few minutes late, and that was fine. Also, as a shift, I
21 received many phone calls and texts messages from baristas
22 whose bus ran late, and said, okay, thanks for letting me know.
23 I'll see you when you get here. And that was the furthest it
24 went disciplinary wise.

25 Q Are you aware of any other instances of time and

1 attendance, or time and attendance issues prior to August of
2 2021 in your store?

3 A No.

4 Q What about after August of 2021; how was time and
5 attendance handled then?

6 A After August of 2021, we -- myself included, were told
7 about the time and attendance policy and how there was no grace
8 period and that when workers show up to work it should be in
9 their question there should be in dress code and time, ready to
10 work the minute they were scheduled.

11 Q What -- who -- what were you told about time and
12 attendance, if anything, from your managers after August of
13 2021?

14 A After August of 2021, I was told that it was nice that we
15 allowed grace time, but Starbucks doesn't really allow grace
16 times and that people need to be on time.

17 Q Who told me that?

18 A Derek (phonetic throughout).

19 Q Do you remember what -- when he told you that?

20 A I also want to say around November of 2021.

21 Q Are you aware of any documented conversations or -- or
22 disciplines with anyone after August 2021 for time and
23 attendance?

24 A I'm not aware of any further documented.

25 Q The last support manager we talked about was Amber. After

1 Amber, did your store get any other -- any other managers?

2 A Yes.

3 Q Who?

4 A We got Alex Roux (phonetic throughout), I think R-O-U-X.

5 And then Amelia Ruiz (phonetic throughout), the team
6 supervisor.

7 Q What was Alex Roux's title in your store?

8 A He was the acting store manager.

9 Q Do you know where he came from?

10 A I don't remember where he came from.

11 Q When did he join your store?

12 A He joined our store in January.

13 Q Of which year?

14 A 2022.

15 Q How often was he in your store?

16 A Four hours a week.

17 Q What did he do when he was there?

18 A He took over from Derek, which was creating the schedule,
19 doing payroll, and helping us on onboarding.

20 Q Prior to the arrival of support managers, who made your
21 store schedule?

22 A I'm sorry, can you ask that one more time?

23 Q Prior to the arrival of the support managers, who made
24 your store schedule?

25 MS. POLITO: Objection. Asked and answered.

1 JUDGE ROSAS: I'll allow it.

2 A Matt, if I'm understanding correctly.

3 Q BY MS. CACACCIO: And who's that?

4 A The store manager before.

5 Q Does Alex Roux still work at your store?

6 A No, he does not.

7 Q How long did he work at your store?

8 A He worked in our store I want to say around three months.

9 Q Do you know where he went after that?

10 A He got a district manager job in a -- in a different

11 state. Phila -- Philadelphia I think.

12 Q You also mentioned Amelia. What was her title in your

13 store?

14 A She was support manager.

15 Q Do you know where she came from?

16 A She came from California.

17 Q And what did she do in California?

18 A She was a store manager in California.

19 Q Do you know when she joined your store?

20 A She joined with Alex in January.

21 Q How often was she in your store?

22 A She was in the store around 30 to 35 hours a week.

23 Q And what did she do when she was there?

24 A She was more supportive of us on the floor and would help

25 us rearrange things to our liking.

- 1 Q Does she still work in your store?
- 2 A No, she does not.
- 3 Q When did she leave?
- 4 A She left in May or June of 2022.
- 5 Q And after Amelia did anyone else join your store's
- 6 management?
- 7 A Yes.
- 8 Q Who?
- 9 A My current store manager her name was Hannah Stitchovia
- 10 (phonetic throughout).
- 11 Q When did she join your store?
- 12 A She joined our store in May or June of 2022.
- 13 Q What did she do in your store?
- 14 A Currently, she's the store manager.
- 15 Q And what roles did she take on?
- 16 A She does the payroll. She does the scheduling. She does
- 17 the discipline. She -- everything that a store manager would
- 18 do. She's on the floor.
- 19 Q How long does Hannah work?
- 20 A She works about 30 or 35 hours a week.
- 21 Q Does she still work at your store?
- 22 A She doesn't.
- 23 Q Do you know who's responsible for the hiring at your
- 24 store?
- 25 A Recruiters.

1 Q Was that always the case?

2 A No.

3 Q Do you know when that changed?

4 A That changed I want to say September or October of 2021.

5 Q And prior to September or October of 2021, who was
6 responsible for the hiring at your store?

7 A To -- to my knowledge, it was the store manager.

8 Q When you were hired who hired you?

9 A My store manager at the time.

10 Q What was the next change you noticed in your store after
11 August of 2021?

12 A I noticed that things were getting fixed and updated at
13 our store.

14 Q Can you give any examples of that?

15 A Sure. So my store was working with the really old
16 Mastrena bars, and we had requested new ones for a number of
17 months and were told we had to wait until the remodel, which is
18 currently happening. And we -- when Rossann came in I remember
19 having a conversation with her about our bars and how old they
20 were. And within weeks we had gotten new bars installed.

21 Q Why don't you talk to Rossann about that?

22 A I -- she was asking about things that are holding us up
23 and -- and what we think needed to be changed and what was
24 broken and all the other stores around us were getting new
25 bars.

1 Q You -- you call that bar, you give it a name. can you
2 tell us what that is?

3 A Oh, the Mastrena?

4 Q What is that?

5 A Oh, that's just the model.

6 Q Of what?

7 A The -- the -- the espresso machine.

8 Q Okay. Okay. You said that there were other -- were there
9 any other things getting fixed? I know you had mentioned the
10 bars. Do you have any other examples?

11 A Sure. So a lot of our facility's issues were fixed. I
12 know that we needed to get this like nasty drain thing like
13 de -- unclogged. And we got new computers. We got new like
14 registers. We got everything deep cleaned. So those kinds of
15 things.

16 Q How long had the drain been a problem?

17 A The drain had been a problem I want to say for a month or
18 so at that point.

19 Q How old was your store's POS system?

20 A So the store had a --

21 MR. HAYES: I'm going to object and maybe you can state
22 was POS is on the record.

23 Q BY MS. CACACCIO: Oh, yeah.

24 A I'm sorry. Just -- just a --

25 JUDGE ROSAS: Hold on. Hold on.

1 I -- I didn't hear the entire question that --

2 MS. CACACCIO: Oh, the --

3 JUDGE ROSAS: What system?

4 MS. CACACCIO: POS. I'll withdraw it and ask what it is.

5 JUDGE ROSAS: Okay.

6 MS. CACACCIO: I have no problem doing that.

7 Q BY MS. CACACCIO: What's -- what -- can you tell us what
8 POS stands for?

9 A Yeah, point of sale.

10 Q And how long -- how old was your store's point of sale
11 system?

12 A Probably about five -- five or six year old.

13 JUDGE ROSAS: Is that a cash register?

14 THE WITNESS: Yeah.

15 Q BY MS. CACACCIO: How were things in your store repaired
16 prior to the campaign? Sorry, prior to August of 2021.

17 A We would call the facility's number and tell them what was
18 wrong. And then they would give us a priority level. So if it
19 was priority one, it would be resolved in 24 hours. And then
20 two, 24 to 48 and so on. And then it would come out, they
21 would send people out to fix it. If they had the right
22 equipment, it would be fixed that day. If not, we'd have to
23 wait a bit longer.

24 Q Did that ever change?

25 A It did change, yes.

1 Q Why -- why did it change?

2 A So after -- after August of 2021 any -- any of our
3 existing facilities' calls that were pending were taken care of
4 within weeks. And now there's a whole new system on how to --
5 how to call things in. It's on the iPad and it's -- it's fast.

6 Q Do you remember when the espresso machines were replaced?

7 A The espresso machines were replaced very close to
8 Christmas to 2021.

9 Q What, if anything, had you -- do you have any knowledge
10 about what had been done to try to replace those machines
11 previously?

12 A My only knowledge is myself and the other shifts asking
13 our store manager about when we were going to be getting new
14 ones.

15 Q Did you ever get a response to that?

16 A It was very vague. It was -- my manager, I guess, had
17 asked the district manager about it and they said because our
18 store was so new, we would have to wait probably to be the last
19 store to get them in the district.

20 Q And when you say your manager, who is that?

21 A Matt Brown (phonetic throughout).

22 Q I know you mentioned that the facilities I like to call it
23 ticketing issue -- ticketing process changed. Did it change at
24 all in -- with respect to how fast things were repaired?

25 MS. POLITO: Objection. Leading. Asked and answered.

1 JUDGE ROSAS: Rephrase.

2 Q BY MS. CACACCIO: How long did it take to get things to
3 get repaired prior to August of 2021?

4 A It would depend. If it was a very serious problem, they
5 would do their best to send their people out within 24 hours.
6 If it was something that needed to be fixed but we could live
7 with, 24 or 48 hours. But we could call and say that it was --
8 it was something that needed to be fixed immediately, they
9 would bump it up to a higher priority and try and get out there
10 as soon as possible.

11 Q What about the new system, about how long does that take
12 to get things repaired?

13 A The new system, it -- it probably takes about the same
14 amount of time things to get repaired.

15 Q I want to direct your attention to October 13th of 2021;
16 what happened that day?

17 A That was the day that we had our store reset.

18 Q What's a reset?

19 A So the store will close down for the day and managers and
20 shift supervisors and baristas whoever was willing and wanted
21 to come, could come in and help and reset the store and get it
22 to where they think would be the most convenient for them
23 throughout the day.

24 Q Prior to October 13th, 2021, has your store ever been
25 reset -- the Sheridan and Bailey store?



- 1 A No.
- 2 Q What about any of the other stories you worked at, have
3 you ever experienced a reset there?
- 4 A I have not.
- 5 Q Was your store closed or open during this reset?
- 6 A Closed.
- 7 Q For how long?
- 8 A Just that day.
- 9 Q Did you work during the reset?
- 10 A I did, yes.
- 11 Q What did you do?
- 12 A So me and two others were in charge of doing the back
13 room. So we took down shelves, rebuilt them, and we placed
14 product where we thought it would be the easiest to grab based
15 on how important it was. And we deep cleaned the floors, the
16 fridges, everything in the back is what we were taking care of.
- 17 Q Did you document those changes?
- 18 A Yes, I did.
- 19 Q How did you do that?
- 20 A Me and the people who were working made a video.
- 21 Q Why did you do that?
- 22 A Because not my entire team was there, so we wanted to make
23 sure that they knew where they were coming in to the next day.
- 24 Q How many videos did you make?
- 25 A Two, I believe.

1 Q How long were those videos?

2 A About a minute each.

3 Q Why are they that length?

4 A So we in my store use GroupMe to communicate and any
5 videos longer than a minute we're not able to send. So we just
6 cut them up.

7 Q Do you still have those videos?

8 A I do, yes.

9 Q Did you alter them in any way?

10 A I did not.

11 Q What did you do after you took those videos?

12 A I sent them to my general store group chat so they could
13 see.

14 Q Did you send them to anyone else?

15 A No.

16 Q Did you send them to me?

17 A I sent them to you, yes.

18 Q If I offered to play them for you, would you recognize
19 them?

20 A Yes.

21 Q Did you alter them in any way? I'm sorry --

22 A No.

23 Q -- I may have already asked that.

24 A No.

25 MS. CACACCIO: Your Honor, looking at General Counsel

1 Exhibits 53 and 55. Could we just go off the record for one
2 second?

3 JUDGE ROSAS: Got off the record.

4 (Off the record at 12:14 p.m.)

5 JUDGE ROSAS: Back on the record.

6 MS. CACACCIO: Okay.

7 **RESUMED DIRECT EXAMINATION**

8 Q BY MS. CACACCIO: So like I said, I'm going to start by
9 playing on General Counsel Exhibit 53. Can you identify who's
10 on the video you see?

11 A Yes.

12 Q Who is that?

13 A Oh, I'm sorry. That's myself.

14 Q I'm going to play all three in 53, 54, and 55, and then
15 we'll go back with questions about --

16 A Okay.

17 Q -- the videos. The first video is one minute long.

18 (Video played at 12:18 p.m., ending at 12:18 p.m.)

19 MS. CACACCIO: This is General Counsel Exhibit 53.

20 Playing Exhibit 54.

21 (Video played at 12:19 p.m., ending at 12:21 p.m.)

22 MS. CACACCIO: All right. Who -- so that's General
23 Counsel 54, it's 58 seconds. And then the General Counsel
24 Exhibit 55.

25 (Video played at 12:21 p.m., ending at 12:22 p.m.)

1 MS. CACACCIO: That last video was 59 seconds.

2 Q BY MS. CACACCIO: Who did the -- who did the actual
3 recording of the first two videos that we played? Who was
4 holding the camera?

5 A That was Amelia, the one who was in the third video.

6 Q And what phone were these recorded on?

7 A My phone.

8 Q And who's the person who is in that first video with you
9 you called them Vanna White?

10 A That's Andrew Gerbic (phonetic throughout) -- Gerbic, I
11 don't know. He's one of my baristas.

12 Q And in the front you name someone Amelia, who's that?

13 A Amelia she's also one of the baristas in my store.

14 Q And what were you doing with those videos?

15 A I just wanted to send them out to my staff to make sure
16 they knew where everything was when they came in the next day
17 and they wouldn't get frustrated.

18 MS. CACACCIO: Your Honor, I want to offer General Counsel
19 Exhibit 53, 54, and 55.

20 JUDGE ROSAS: Voir dire? Objection?

21 **VOIR DIRE EXAMINATION**

22 Q BY MS. POLITO: The videos were recorded with your phone;
23 is that correct?

24 A Yes.

25 Q Do you still have those videos on your phone?



- 1 A I do, yes.
- 2 Q And you indicated that you sent them to a GroupMe?
- 3 A Yes.
- 4 Q How did you send that?
- 5 A Yes. So the GroupMe is -- is like a texting app. So all
6 of us are in there, and you can send media and you can send
7 pictures, video. So I just uploaded the file into the -- the
8 chat.
- 9 Q And so bear with me for a minute. But you have your
10 recording on your phone --
- 11 A Yeah.
- 12 Q -- you have your recording open and then you just click
13 send and it goes right to the group app; is that correct?
- 14 A So the way that I did it was I just -- I recorded it and
15 then I like pre-recorded it, finished it. Once it was all
16 finished is then when I sent it. So I didn't like record it on
17 the -- the app, if that makes sense.
- 18 Q You said you -- you recorded the video on your phone and
19 then while the video is open you hit sent to go to the group
20 app; is that correct?
- 21 A Yes.
- 22 Q And who's on the group app?
- 23 A Most of my staff.
- 24 Q And that means the -- your fellow baristas?
- 25 A Yes, baristas and shifts were at -- in there at the time,

1 yeah.

2 Q What about managers?

3 A There was a separate one for the shifts and the store
4 manager, but he was not in that one.

5 Q And -- and you've told us that you have -- you still have
6 maintained the original video on your phone?

7 A Yes, I did.

8 Q And have you compared the original video to what we just
9 saw in the courtroom today?

10 A Yes. The only difference was that I had to cut the video
11 in half because it was just too large to send as the file that
12 I had recorded it as.

13 Q So is it fair to say, then, that the three videos that we
14 saw comprised the complete video that you have on your phone?

15 A Yes.

16 MS. POLITO: No further questions. And no objection,
17 Judge.

18 JUDGE ROSAS: General Counsel's 53 through 55 are
19 received.

20 **(General Counsel Exhibit Numbers 53 through 55 Received into**
21 **Evidence)**

22 JUDGE ROSAS: Okay. Off the record.
23 (Off the record at 12:25 p.m.)

24 **RESUMED DIRECT EXAMINATION**

25 Q BY MS. CACACCIO: Rachel, in the break, did you talk to



1 anyone about the content of your testimony?

2 A No.

3 Q What was changed during this October 13th reset?

4 A During the reset, we rearranged where product was so that
5 it would be easier for us to access. We did that in the back
6 and the front. There was some cleaning done. And we had
7 registers replaced in the front.

8 Q After this October 13th reset, were there any other
9 upgrades that happened to your store?

10 A We did get a new computer in the back and nothing else.
11 That was about it.

12 Q When did you get a new computer in the back?

13 A We got the new computer in the back I want to say maybe in
14 January of 2022.

15 Q Did your store have any other remodels or upgrades since
16 the campaign started?

17 A We had one small reset I believe that support managers did
18 to try to get the store to the standard that the -- the like
19 coaches would -- would bring in. That was only the support
20 managers would do that. And then we are currently under a
21 remodel right now.

22 Q The support manager upgrade that you just talked about,
23 when did that happen?

24 A That happened also in January 2022.

25 Q And how long was the remodel you're currently under



1 scheduled to last?

2 A It's scheduled to last until August 16th of 2022.

3 Q So where are you currently working?

4 A Right now I'm at the Tonawanda location which is Delaware
5 and Sheridan.

6 Q How long have you been there?

7 A About four weeks.

8 Q Did you ever attend any meetings after the campaign
9 started?

10 A Yes.

11 MS. POLITO: I'm going to same objection. After the
12 campaign --

13 MS. CACACCIO: Sorry.

14 MS. POLITO: -- that's --

15 MS. CACACCIO: Rephrase.

16 MS. POLITO: -- August 23rd, 2021, I believe, Counsel, to
17 be specific.

18 MS. CACACCIO: I'll withdraw and rephrase.

19 Q BY MS. CACACCIO: Did you ever attend any meetings after
20 August 21st, 2021?

21 A Yes, I did.

22 Q What kind of meeting did you attend?

23 A The first meeting was what was called the listening
24 session. The other ones were also called listening sessions,
25 they just had different topics.

1 Q Before August 21st, 2021 had you ever had a full -- have
2 you -- had you ever had a listening session?

3 A I have.

4 MS. POLITO: Sorry -- I'm sorry, Judge. It's August 23rd.
5 We keep saying the 21st.

6 MS. CACACCIO: I don't know why.

7 MS. POLITO: I know.

8 MS. CACACCIO: Withdrawn. I'll rephrase.

9 Q BY MS. CACACCIO: After -- before August of 2021 had you
10 ever attended a listening session?

11 A I had not, no.

12 Q What about after August 23rd of 2021, how many listening
13 sessions did you attend?

14 A I want to say four in total.

15 Q Was the store opened or closed for these listening
16 sessions?

17 A The store was closed for three of the listening sessions.

18 Q Which one was the store open for?

19 A That was on September 2nd because it was at a different
20 location.

21 Q What location was that meeting up?

22 A That was Main Street in Williamsville.

23 Q When was the first listening session that you attended?

24 A September 2nd.

25 Q How did you hear about it?

- 1 A There was a flier posted in the back of our store.
- 2 Q Did anyone speak to you about the listening session?
- 3 A Some baristas asked me if I was going to go.
- 4 Q What about management, did anyone talk to you from
5 management about it?
- 6 A No one from management, no.
- 7 Q Do you remember what the flier said?
- 8 A The flier said that there would be a listening session
9 with Rossann and some other upper management.
- 10 Q Did you attend that session?
- 11 A I did, yes.
- 12 Q How many people attended the session that you attended?
- 13 A The one that I was in I want to say maybe 14 to 18 people
14 were there.
- 15 Q Were there other sessions on September 2nd that you were
16 aware of?
- 17 A Yes, there were.
- 18 Q How many were there?
- 19 A I want to say there were four sessions total. And ours
20 was the last one.
- 21 Q How long did the meeting you attended last?
- 22 A The meeting was about an hour, a little over an hour.
- 23 Q What time was the meeting you attended?
- 24 A The meeting I attended was I want to say 5, between 5 and
25 5:30.

- 1 Q Where was it held?
- 2 A At the Main Street in Williamsville store.
- 3 Q Who ran the meeting?
- 4 A It was Rossann who ran the meeting.
- 5 Q Do you know what stores the employees were from attended
- 6 this meeting?
- 7 A I only know of myself and my coworker from my store. And
- 8 I know there was a partner from the Niagara Falls Boulevard
- 9 store only because they were asked to go by the manager.
- 10 Q Did you speak up in this meeting?
- 11 A I did, yes.
- 12 Q Did you record the meeting?
- 13 A I did, yes.
- 14 Q How did you record the meeting?
- 15 A On my phone.
- 16 Q What kind of phone do you have?
- 17 A iPhone 12.
- 18 Q Where was your phone?
- 19 A On the table next to me.
- 20 Q Why did you record the meeting?
- 21 A I just wanted to make sure I remembered everything that I
- 22 and others had asked for and said and to see if they would
- 23 follow through with the things that they were planning.
- 24 Q Did you ever see a transcript for this recording?
- 25 A Yes.

1 Q And what did you do with that?

2 A I just made sure that I wrote in my name that it was me
3 speaking and everyone else's name I knew of who was speaking.

4 Q Did you alter the recording in any way?

5 A No.

6 MS. CACACCIO: Going to play General Counsel Exhibit 56(a)
7 with 56(b) being a transcript. There is 1 minute, 53 seconds
8 on this recording prior to when the transcript begins. What we
9 just did what I'll do is I'll stop and have the witness
10 identify the speakers. That's my understanding of how we're
11 doing it. And we ask that the court reporting service, to the
12 extent it's possible, to transcribe the first 1 minute and 53
13 seconds approximately.

14 JUDGE ROSAS: What's the exhibit?

15 MS. CACACCIO: 53(a) -- sorry, 56(a) is the recording.
16 And 56(b) is the transcript. So I'm going to play it now.
17 (Video played at 1:41 p.m., transcribed to the best of the
18 transcriber's ability)

19 UNIDENTIFIED SPEAKER: Right.

20 UNIDENTIFIED SPEAKER: No.

21 MR. AMATO: Like what -- did you tell him (audio
22 interference)?

23 MS. COHEN: He already knows --

24 (Audio ends at 1:41 p.m.)

25 Q BY MS. CACACCIO: Do you recognize that first voice?



1 A Yes.

2 Q Who is that?

3 A That's Sam Amato (phonetic throughout) one of my new
4 shifts.

5 Q And where did that person work?

6 A At Sheridan and Bailey with me.

7 MS. CACACCIO: We're at five seconds.

8 (Video played at 1:41 p.m., transcribed to the best of the
9 transcriber's ability)

10 MS. COHEN: -- what I'm doing so I don't know, it's
11 just -- I'm like do you want to date him?

12 (Video ends at 1:41 p.m.)

13 Q BY MS. CACACCIO: Whose voice is that?

14 A That's me.

15 Q And what are you guys talking about?

16 A We're talking about a coworker who I thought liked my
17 fiancée.

18 MS. CACACCIO: We're at 10 seconds.

19 (Video played at 1:41 p.m., transcribed to the best of the
20 transcriber's ability)

21 MR. AMATO: Who is the one that you met (audio
22 interference) you think is after your man?

23 UNIDENTIFIED SPEAKER: (Audio interference) right now.

24 (Video ends at 1:41 p.m.)

25 Q BY MS. CACACCIO: Do you recognize that voice in the

1 background?

2 A I don't.

3 MS. CACACCIO: We're at 17 seconds.

4 (Audio played at 1:41 p.m., transcribed to the best of the
5 transcriber's ability)

6 UNIDENTIFIED SPEAKER: Yeah. Oh, okay, we'll (audio
7 interference).

8 MR. AMATO: We need a broom like this --

9 UNIDENTIFIED SPEAKER: Thank you for letting me know that.

10 MR. AMATO: -- and run him off like --

11 MS. COHEN: No, you're right.

12 MR. AMATO: It would be nice having two (audio
13 interference).

14 MS. COHEN: That would be nice.

15 UNIDENTIFIED SPEAKER: Awesome. We'll get started in just
16 a second.

17 (Video ends at 1:42 p.m.)

18 Q BY MS. CACACCIO: Whose voice is that, we're at 43
19 seconds?

20 A It's Mallory (phonetic throughout). I'm thinking her name
21 is Mallory.

22 (Video played at 1:42 p.m., transcribed to the best of the
23 transcriber's ability)

24 UNIDENTIFIED SPEAKER: So who do we have to talk to to get
25 a -- to get a -- a roastery in town?



1 (Video ends at 1:43 p.m.)

2 Q BY MS. CACACCIO: Do you know who asked that question
3 about the roastery?

4 A I'm pretty sure that was Rossann.

5 MS. CACACCIO: We're at 1:16.

6 (Video played at 1:43 p.m., transcribed to the best of the
7 transcriber's ability)

8 UNIDENTIFIED SPEAKER: (Audio interference) I've been here
9 a lot of years, like yeah -- and I stumbled on it completely by
10 accident.

11 UNIDENTIFIED SPEAKER: Oh, really?

12 UNIDENTIFIED SPEAKER: (Audio interference) wandered
13 around in Chelsea and I'm like, he, looks, Starbucks, I can go
14 for a cup of coffee and --

15 (Video ends at 1:43 p.m.)

16 Q BY MS. CACACCIO: Do you know who's voice that is? We're
17 at 1:34.

18 A Vera Germano (phonetic throughout).

19 (Video played at 1:43 p.m., transcribed to the best of the
20 transcriber's ability)

21 MS. PUSATIER: All right. Hello, everybody. Welcome
22 back. (Audio interference) --

23 (Audio paused at 1:43 p.m.)

24 MS. CACACCIO: So now we're at 1:55 now, but she -- the
25 transcript starts at about 1:53. And since we did the

1 beginning, I'm now just going to play it straight through based
2 on our agreement.

3 (Audio played at 1:44 p.m., ending at 2:42 p.m.)

4 JUDGE ROSAS: One hour. Let's take a break. Five
5 minutes. Off the record.

6 (Off the record at 2:42 p.m.)

7 JUDGE ROSAS: All right. Back on the record. You may
8 continue.

9 MS. CACACCIO: Yes, Your Honor. I'm going to continue
10 playing a recording.

11 (Audio played at 2:49 p.m., ending at 3:34 p.m.)

12 Q BY MS. CACACCIO: Rachel, is that the recording that you
13 made of the meeting you attended September 2nd?

14 A Yes, it is.

15 Q Is it full and complete?

16 A Yes, it is.

17 MS. CACACCIO: Your Honor, I offer General Counsel Exhibit
18 56(a) and 56(b), being the transcript.

19 MS. POLITO: Maintain the objections, Your Honor.

20 HEARING OFFICER ROSAS: General Counsel's 56(a) and 56(b)
21 are received over objection.

22 **(General Counsel Exhibit Number 56(a) and 56(b) Received into**
23 **Evidence)**

24 Q BY MS. CACACCIO: What was the next listening session that
25 you attended?

- 1 A The next one was maybe late September, early October.
- 2 Q How did you hear about this meeting?
- 3 A That was posted at our store.
- 4 Q Where was the meeting held?
- 5 A At my store.
- 6 Q What time was the meeting?
- 7 A I want to say the meeting was 3 to 4 or 4 to 5 on the
- 8 shift.
- 9 Q Did the store close for this meeting?
- 10 A It did, yes.
- 11 Q What time?
- 12 A The store closed an hour before the meeting was set to
- 13 take place.
- 14 Q Who ran this meeting?
- 15 A Mark Sawhill (phonetic), who was our district manager at
- 16 the time, was there, and some -- another gentleman from
- 17 corporate whose name I don't remember.
- 18 Q About how many employees attended the meeting?
- 19 A Almost all of the employees attended. I think there was
- 20 maybe two or three who could not come.
- 21 Q How long did it last?
- 22 A About an hour.
- 23 Q Did you record this meeting?
- 24 A I did not record this meeting, no.
- 25 Q What happened in this meeting?

1 A This meeting, the gentleman who was running it was telling
2 us a little bit about himself, and told my store and myself
3 that he wasn't very familiar with unions, that he was here to
4 answer some questions. And we asked him a couple of questions,
5 a lot of it surrounding healthcare. And it was just kind of an
6 open dialogue, not a lot of answers, and -- and then it was
7 over.

8 Q I want to direct your attention to Sep -- sorry, about
9 how -- oh, you said that already. Did I ask you how long the
10 meeting lasted?

11 A Yes.

12 Q Okay. Directing your attention to September 30th, do you
13 remember there being a meeting scheduled for that day?

14 MS. POLITO: Objection. Leading.

15 HEARING OFFICER ROSAS: I'll allow it.

16 A That might have been the meeting that I was speaking of
17 just now.

18 Q BY MS. CACACCIO: How were you notified about that
19 meeting?

20 A It was posted in the back of the store.

21 Q Did you take a photograph of that posting?

22 A Yes.

23 Q If I showed you a copy of it, would you recognize it?

24 A Yes.

25 Q Show you what's General Counsel Exhibit 57. Should be on

1 your table right there. Unclip it and pull the transcript out.

2 A Oh, 57?

3 Q Yeah.

4 A Yes.

5 Q What is this a picture of?

6 A This is a picture of the post in the back of my store.

7 Q Did you take that photo?

8 A Yes, I did.

9 Q Why did you take that photo?

10 A Just so I could remember.

11 Q Do you know what's on the bottom of it?

12 A That's, like, paper or the black"

13 Q On the paper.

14 A It looks like emails, if we have any questions. It looks
15 like Rossann, Allyson Peck, Deanna, M.K., and Mark.

16 Q What did you do after you took this photo?

17 A I sent it to my shift supervisor.

18 Q Did you do anything else with it?

19 A No.

20 Q Did you alter it in any way?

21 A No, I did not.

22 MS. CACACCIO: Your Honor, I offer General Counsel's
23 Exhibit 57 into evidence.

24 HEARING OFFICER ROSAS: Respondent?

25 MS. POLITO: Just a couple of questions, Judge.



VOIR DIRE EXAMINATION

1

2 Q BY MS. POLITO: Ms. Cohen, you indicated that you took a
3 picture with your iPhone; is that correct?

4 A Yes.

5 Q And you still have the original photo in your iPhone?

6 A Yes, I do.

7 Q And at the top, where it says -- there is an X on the left
8 and M-E-M-E on the right, is that reflected on your picture on
9 your iPhone as well?

10 A Yeah, that's a screenshot. That was just a screenshot of
11 the pic -- of the message that I sent to the group meet.

12 Q So this is not a picture of -- this is not the actual
13 picture; this is a picture of a group text that you sent?

14 A Right. Yes.

15 Q What is the content of the text message that you sent? Is
16 it blacked out on this picture?

17 A Oh, there -- no, there was no message with it. It was
18 just the picture.

19 Q And then the bottom where there's a heart and two; is that
20 part of the group text as well?

21 A Yeah. It just means that two people in that chat liked
22 it.

23 Q And where the picture is black, is it redacted? Did
24 anything --

25 A No.

1 Q -- come out?

2 A So we have like a blackboard on our refrigerator that we
3 could write messages. That's what the -- like underneath
4 there's -- that red writing is just a message.

5 Q And then underneath that is another posting --

6 A Yes.

7 Q -- of some sort? Do you know what that posting is?

8 A I don't know what that is, no.

9 Q And where there's black reflected on this document, are
10 there any redactions?

11 A No. No, I don't know if that's just from the printer.

12 Q So where is the -- again going back to that heart two --

13 A Um-hum.

14 Q -- wouldn't it normally reflect who liked it?

15 A Yeah. Yeah. Usually it's just -- it's somebody who liked
16 something being said, somebody goes -- so you could tap the
17 bottom and it will turn red.

18 Q And then you could see who actually liked it --

19 A Right.

20 Q -- right?

21 A Yeah.

22 MS. POLITO: Your Honor, I'm going to object, because the
23 document doesn't, I believe, contain all the information. She
24 has a photograph, and so the photograph I guess I'd be less
25 likely to object to. But this is actually a photograph of the

1 group chat as opposed to the actual photograph of the sign --
2 partner store meeting.

3 MS. CACACCIO: May I be heard? The Respondent's objection
4 has nothing to do with the actual content, which is --

5 HEARING OFFICER ROSAS: Do you want to have some voir dire
6 to follow up?

7 MS. POLITO: No, I don't think it's necessary.

8 HEARING OFFICER ROSAS: Okay. Go ahead.

9 MS. CACACCIO: The important part of this was the flyer
10 itself, which I, of course, requested from Respondent and not
11 gotten. So this is the next best thing. This is what I have.
12 And we're offering it. And Respondent's objections don't even
13 go to the weight of this document, nor its admissibility. The
14 witness took this photo. This is a screenshot of the photo
15 that she took. And that's what it's being admitted for. If
16 Respondent wants me to crop out the top and bottom, I'm happy
17 to do that. But doing that, they then say I cropped something
18 out.

19 MS. POLITO: Your Honor, my only point is it's not a
20 screenshot of the photo, it's a screenshot of the group meet
21 chat.

22 HEARING OFFICER ROSAS: Okay.

23 MS. POLITO: That's the objection, Your Honor.

24 HEARING OFFICER ROSAS: So I have a question for the
25 witness.

1 So the background or where this is -- this is taped onto
2 something?

3 THE WITNESS: Yes, sir.

4 HEARING OFFICER ROSAS: What's it taped onto?

5 THE WITNESS: We had -- on the back of our fridge in -- in
6 our store we put up this, like, black tape that you could write
7 on with a chalk marker. We used it for what we needed to order
8 that week, so we could write it down on there. And it was just
9 taped over top of that.

10 HEARING OFFICER ROSAS: Below, in white writing --

11 THE WITNESS: Um-hum.

12 HEARING OFFICER ROSAS: -- superimposed a pink writing.

13 THE WITNESS: Yes.

14 HEARING OFFICER ROSAS: What does that say?

15 THE WITNESS: It says, "Free Britney." Like, Britney
16 Spears.

17 HEARING OFFICER ROSAS: Is that referring to Britney
18 Spears?

19 THE WITNESS: Yes, it is.

20 HEARING OFFICER ROSAS: I was thinking of a different
21 Britney, which would be like very recent, so -- which would
22 have a big difference. So you printed this out? Or you -- you
23 sent it to the General Counsel, and this --

24 THE WITNESS: Correct. I sent it to her, yes.

25 HEARING OFFICER ROSAS: And this visual that you have of

1 General Counsel's 57, with the black background, appears where?

2 THE WITNESS: The -- the black -- this is just how the
3 picture was -- are you talking about this part here?

4 HEARING OFFICER ROSAS: Is -- is the entirety of
5 everything that's within the black contours saved to your
6 files?

7 THE WITNESS: Yes. This is -- this is the -- the way that
8 the picture was taken was it was just cropped in to fit this
9 size. So there was no, like -- it's like when you take a
10 picture and turn it and it will give you a little bit of black,
11 but there was nothing cropped out of it. It was just the way
12 it was taken.

13 HEARING OFFICER ROSAS: What exactly is the nuance here?
14 What are you objecting to?

15 MS. POLITO: She -- it's a picture of her group chat,
16 which is not a complete -- I -- if it was a -- the images from
17 the group chat would show, as opposed to just a picture, an
18 actual copy of a picture of the posting. That's the only
19 issue, Judge.

20 HEARING OFFICER ROSAS: Now -- but you're offering it --

21 MS. CACACCIO: For the photo, not for the --

22 HEARING OFFICER ROSAS: -- just for the photo?

23 MS. CACACCIO: -- group chat. Correct.

24 MS. POLITO: And if I --

25 HEARING OFFICER ROSAS: Not that it was communicated to

1 anyone?

2 MS. CACACCIO: I'm sorry?

3 HEARING OFFICER ROSAS: Not for the purpose that it was --

4 MS. CACACCIO: No.

5 HEARING OFFICER ROSAS: -- communicated to anyone?

6 MS. CACACCIO: No.

7 HEARING OFFICER ROSAS: So I'm going to receive it over
8 objection, just for the purpose that the white piece of paper
9 that's purported to be shown on here is what she saw on that
10 day and she took a photograph of it. That's the only reason
11 I'm receiving this for, not for anything else regarding any
12 communication to anyone.

13 **(General Counsel Exhibit Number 57 Received into Evidence)**

14 MS. POLITO: Thank you, Your Honor.

15 HEARING OFFICER ROSAS: Okay. All right.

16 **RESUMED DIRECT EXAMINATION**

17 Q BY MS. CACACCIO: When was the next meeting you attended?

18 A There was another meeting in December -- early December at
19 a hotel.

20 Q How did you hear about that meeting?

21 A We were -- I was actually scheduled to go to this meeting.

22 HEARING OFFICER ROSAS: Do me favor. Turn over the
23 exhibits.

24 THE WITNESS: Oh.

25 HEARING OFFICER ROSAS: And only go to them when she

1 refers to them.

2 THE WITNESS: Oh, sure.

3 HEARING OFFICER ROSAS: Okay?

4 Q BY MS. CACACCIO: Did you speak to any manager about
5 attending this meeting?

6 A I spoke to my store manager at the time about attending
7 the meeting because it was really scheduled really late.

8 Q And who did you speak to?

9 A That would be Derek.

10 Q And what did he tell you?

11 A He told me that, you have to go or there is a makeup
12 meeting.

13 Q Do you remember what time the meeting was?

14 A It was 9:00 at night.

15 Q Who ran the meeting?

16 A Mark was there. Melanie Joy (phonetic) was there. And
17 there was a woman there. I think her name was Denise.

18 Q How many employees attended the meeting?

19 A Five.

20 Q How long did it last?

21 A About an hour.

22 Q Did you record it?

23 A I did not record this one.

24 Q What happened at this meeting?

25 A In this meeting we were given a PowerPoint presentation on

1 the Union statistics versus non-Union business statistics. It
2 was a lot of numbers. They talked about Union dues, and they
3 talked about things changing, or not changing, or staying the
4 same, about benefits changing, not changing, or staying the
5 same. That was basically the entire meeting.

6 Q When was the next meeting you attended?

7 A The next meeting was December 16th.

8 Q How did you hear about that meeting?

9 A That meeting was also hosted at my store.

10 Q Did you take a photograph of that posting?

11 A Yes, I did.

12 Q When did you take the photograph? Do you remember?

13 A I don't remember. Probably very close to when it was
14 posted.

15 Q Would you recognize the photograph?

16 A Yes, I would.

17 Q Take a look at General Counsel's 58. Can you tell me what
18 General Counsel's 58 is?

19 A This is a picture of the -- the posting of the store
20 meeting.

21 Q And I see that this again has the meme at the top right,
22 and the bottom with a heart. How did you get this photo?

23 A Right. Yes, I sent it to my big store chat, but more than
24 the shift -- the whole entire store, and then off screen
25 grabbed it.

1 Q Did you alter it in any way?

2 A No, I did not.

3 MS. CACACCIO: Your Honor, I'm going to offer General
4 Counsel's Exhibit 58. Again, I'm only offering it for the
5 flyer itself, not that she sent it anywhere.

6 HEARING OFFICER ROSAS: Respondent?

7 MS. POLITO: Judge, I understand you're going to accept it
8 similar to the last one for the purpose of just showing the
9 white page and not photograph. So no objection, under those
10 conditions, Judge.

11 HEARING OFFICER ROSAS: General Counsel's 58 is received.

12 **(General Counsel Exhibit Number 58 Received into Evidence)**

13 Q BY MS. CACACCIO: Can you can flip that back over?

14 A Yes.

15 Q Where was the meeting held?

16 A That meeting was held in our store.

17 Q Was the store open or closed for the meeting?

18 A Closed.

19 Q Who ran the meeting that you attended?

20 A That meeting had Mark, and Greta (phonetic), and there
21 were two other women there. I think Deanna was there and
22 someone else I really was unfamiliar with.

23 Q About how employees attended the meeting you attended?

24 A The meeting I attended, almost all of them attended, maybe
25 three or four did not.

1 Q How long did it last?

2 A This one lasted about an hour and ten minutes.

3 Q Prior to the campaign, did your store have any notices or
4 literature posted anywhere?

5 A Yes.

6 Q Where?

7 A In the back where these were posted, we would also have a
8 ton of other things posted.

9 Q What kinds of things were posted?

10 A They would vary. They would have work-related things,
11 like our sales reports, our weekly updates, our customer
12 connection scores. We would also have birthdays. Things we
13 wanted to recognize for, we had some cards from, customers,
14 schedules, stuff like that.

15 Q Were there any nonwork-related postings in the back of the
16 store?

17 A Yeah.

18 Q Like what?

19 A We would post Free Brittany pictures. We would post union
20 literature. I had personally made some posters --

21 MS. POLITO: I'm just going to object, because I -- I
22 thought the time frame was before August 2021.

23 JUDGE ROSAS: You asked before the date of that posting?

24 MS. CACACCIO: That was the original question. This next
25 question, I wasn't clear about, so let me be a little bit

1 clearer.

2 JUDGE ROSAS: You should -- you -- you asked prior to
3 December 16.

4 MS. CACACCIO: Originally. And then, my next question
5 was, what other non --

6 JUDGE ROSAS: No. Well, hold on. But you're -- you're --
7 the Respondent's objecting to testimony --

8 MS. CACACCIO: Let me just rephrase.

9 JUDGE ROSAS: -- regarding the practice prior to December
10 16?

11 MS. POLITO: No. No, Judge. I -- I'll withdraw my
12 objection.

13 MS. CACACCIO: Thank you. Let me just withdraw and
14 rephrase it. I think we're on the same page, Jackie (phonetic
15 throughout).

16 Q BY MS. CACACCIO: Rachel, prior to August 23rd, 2021, what
17 nonwork-related postings were in the back of your store?

18 A We had birthdays. We had posters that we had made for
19 where we wanted to send donations to, or where we wanted to
20 volunteer. We had stuff for -- one my coworkers is very into
21 his birthday, so he posted all his stuff about his birthday,
22 just a lot of stuff.

23 Q Why was it posted in the back of the store?

24 A Well, the signup sheet's in the back of the house, it
25 makes sense, because that's where all the partners would go.

1 The schedule's and all that also made sense in the back of the
2 house. We also didn't want to clutter the front of the house
3 with our dramas.

4 Q What about after August 23rd, 2021, what was posted in the
5 back of your store?

6 A Sure. So things remained pretty much the same for a
7 little bit, until later on towards the end of the year. One,
8 we were starting to post -- myself was starting to post posters
9 about unions and the questions that people might have. And
10 they would get taken down. And then after I approached my
11 store manager Derek about it, he said nothing was allowed to be
12 posted in the back anymore. And everything, minus the
13 schedules, were taken down.

14 Q What were you trying to post back there?

15 A I was trying to post some literature that was being passed
16 around about the union and some posters I personally made about
17 answering some frequently-asked questions.

18 Q Other than Derek, did you speak to any other -- did any
19 other manager speak to you about the flyer -- the postings in
20 the back?

21 A I -- I'm pretty sure Amelia Ruiz spoke to me about that as
22 well.

23 Q Do you remember what Amelia spoke to you about with
24 respect to the postings?

25 MS. POLITO: Objection. Hearsay.

1 JUDGE ROSAS: Is Amelia going to be testifying?

2 MS. CACACCIO: She's a manager, Judge.

3 JUDGE ROSAS: Overruled.

4 A So she said that it was just not a policy anymore to post
5 things, and only Starbucks-approved postings can be made.

6 Q BY MS. CACACCIO: I'd like to direct your attention to
7 your wages. Prior to the fall of 2021, how were raises handled
8 with the Employer?

9 A We just received an annual raise.

10 Q And prior to the fall of 2021, had you ever received any
11 raises that were separate and apart from the annual raise?

12 A No.

13 Q What about after the fall of 2021, did you ever receive a
14 raise separate and apart from your annual raise?

15 A Yes.

16 Q Do you know how it was announced?

17 A There was a posting made that I read about on a seniority-
18 based raise.

19 MS. CACACCIO: Your Honor, I have spoken to Respondent's
20 counsel about General Counsel's Exhibit 59, which I'm going to
21 offer, but as we discussed, I need to get a copy that does
22 include the banner at the top of it as well.

23 JUDGE ROSAS: Okay. Is this 59?

24 MS. CACACCIO: Yes, Judge. You can see it on the green --
25 if you go to the next page, it's easier to see. But on the

1 first page, the way the photo is, you see it on her apron.

2 It's not really on page 2, Judge.

3 JUDGE ROSAS: Okay. So you're offering it?

4 MS. CACACCIO: Yes, Judge.

5 MS. POLITO: At this point, I'm going to object. Because
6 I don't think she's laid the proper foundation --

7 JUDGE ROSAS: Go ahead.

8 MS. POLITO: -- for offering yet.

9 MS. CACACCIO: If I might be heard?

10 MS. POLITO: She --

11 MS. CACACCIO: Sorry. Were you done?

12 MS. POLITO: Yeah -- no.

13 JUDGE ROSAS: You want to lay foundation?

14 MS. CACACCIO: Judge, I -- my understanding was, I had
15 spoken to Respondent. This is Respondent's domain. It's
16 their -- it's their record. It's Starbucks' stores and it's
17 their company's document.

18 MS. POLITO: I don't disagree with that, Judge. But what
19 this witness just said that she saw a posting. And then, this
20 document's being offered. And it doesn't look --

21 JUDGE ROSAS: Okay.

22 MS. POLITO: -- like a posting to me.

23 JUDGE ROSAS: Right.

24 MS. POLITO: So I don't think that through this witness,
25 the proper foundation's been laid.

1 JUDGE ROSAS: Well --

2 MS. CACACCIO: I can have the witness look at it. That's
3 no problem.

4 JUDGE ROSAS: Go ahead.

5 Q BY MS. CACACCIO: Rachel, would you look at General
6 Counsel Exhibit 59. It's the -- starts with the photograph on
7 the front.

8 A Yeah.

9 Q Is this the posting that you saw?

10 A Yes. I specifically remember on page 3 was what was
11 printed out for me at -- at the store about the raises going up
12 five percent, or ten per -- up to ten percent.

13 MS. CACACCIO: Your Honor, now I'm going to offer General
14 Counsel's Exhibit 59. Of course I've asked for what the
15 employees in the Buffalo area had with respect to -- the only
16 thing I've been given with respect to the wage increase. This
17 is what this witness has seen and known. And I'm offering it
18 at this time.

19 MS. POLITO: And Judge, we have no objection, subject to
20 the -- the top portion has not been printed correctly, so I
21 understand that the General Counsel's going to try to work on
22 that. But we -- so we hope to have a revised exhibit. But
23 otherwise, I have no objection, Your Honor.

24 JUDGE ROSAS: General Counsel's 59 is received,
25 conditionally to be confirmed.

1 **(General Counsel Exhibit Number 59 Received into Evidence)**

2 Q BY MS. CACACCIO: Did you ever receive the raise?

3 A Yes, I did.

4 Q When?

5 A In January.

6 Q Of what year?

7 A 2022.

8 Q Do you know about how much you received?

9 A I received a bit less than ten percent.

10 Q Before August 23rd, 2021, how was training handled in your
11 store?

12 A Training was with a barista trainer from the store, that
13 they were -- the person was hired for. And they would spend
14 time with them on and off the floor until their new time was
15 up.

16 Q Did that ever change?

17 A Yes, it did.

18 Q When did it change?

19 A That changed, I want to say maybe between September and
20 October of 2021.

21 Q How did it change?

22 A Starbucks announced that they would be doing training
23 stores, instead of being trained in your home store.

24 Q Do you know what stores were turned into training stores?

25 A I know that the Niagara Falls Boulevard store was an open



1 training store and Walden and Anderson.

2 Q Do you know whether Walden and Anderson was an open
3 training store or a closed one?

4 A They were closed.

5 Q Do you know of any other training stores that happened
6 from August 23rd, 2021 to present?

7 A I know that the store I'm currently at was a training
8 store, until we -- to present there, and Lancaster-Regal was
9 also a training store.

10 Q Prior to August 23rd, 2021, who would be performing the
11 training on new employees?

12 A It would start with the store manager. They would do a
13 first sip and walk them through the store, introduce them to
14 everybody, and get them an apron, a pound of coffee. And then,
15 they'd be handed off to the barista trainer who they were
16 assigned to.

17 Q Can you tell the Court what a first sip is?

18 A Sure. It's just a sharing coffee with the store manager,
19 getting -- getting the new partner introduced, getting them
20 some paperwork and materials, only to start helping them set up
21 direct deposit, stuff like that.

22 Q And I know that we -- in that recording, we heard
23 something called green -- you said something about a green
24 bean. What is a green bean?

25 A Oh, so it's just a new -- it's a new partner. The bean --

1 the coffee bean starts green, so.

2 Q What did -- the person responsible for training these new
3 employees prior to August 23rd, 2021, be compensated for doing
4 that?

5 A They would if the partner they trained remained for at
6 least 90 days.

7 Q After August 23rd, 2021, were there employees trained in
8 your store?

9 A I don't think so, no.

10 Q Does your store have barista trainers?

11 A Yes, it did.

12 Q How many does it have?

13 A It has three official trainers, and that the shift
14 supervisors are considered trainers, if need be.

15 Q Had you ever experienced market-wide training centers for
16 new baristas prior to, I think you said September of 2021?

17 A No, I have not.

18 Q Did your store receive any employees that came out of
19 these market-wide training centers?

20 A We did, yes.

21 Q About how many?

22 A Maybe between 10 and 15.

23 Q Did you work with any of them personally?

24 A I did, yes.

25 Q And they -- what did you observe when you worked with



1 them?

2 A I observed a lot of confusion and anxiety. These training
3 stores, besides the Niagara Falls Boulevard store, were not
4 open, so they had no real customer interactions. My store,
5 specifically, was the busiest in the district, so getting used
6 to that speed was really hard for the new baristas.

7 Q What impact, if any, did the centralized training have on
8 you personally?

9 A I personally had to spend a lot of time retraining or
10 assigning the barista to other baristas to help them shadow,
11 help them get -- get things going for them. And we had a
12 really high turnover, because a lot of our partners were --
13 just couldn't handle it.

14 Q How many new employees were brought into your store since
15 August 21st -- August 23rd, 2021?

16 A No less than -- than 18.

17 Q In your opinion, did your store need all those employees
18 that it received?

19 A No.

20 Q Why not?

21 A We probably could've gotten away with maybe eight or nine
22 comfortably, so that we could have a little more wiggle room
23 around the store, and you know, could maybe get some shifts
24 covered. But we were running perfectly fine with the staff
25 that we had.

1 Q As a shift supervisor, did you notice whether the --
2 adding these new employees to your store had any impact on
3 shifts?

4 A I think that the shifts -- myself, speaking for myself as
5 a mid-shift, I enjoyed having a lot of people there, because we
6 could get a lot of things done. But after a while, after
7 getting more and more, it just started to get crowded. And we
8 had -- ended up having to send a lot of people home. We just
9 didn't have anything to -- for them to do.

10 Q I want to direct your attention to picking up shifts. Can
11 you tell the Court how -- what picking up shifts is?

12 A Picking up shifts is when you are not scheduled to work,
13 or you are scheduled to work, but want to work somewhere else
14 later. You can reach out and look on the shift app and see if
15 there's anything available within your time frame, and pick it
16 up.

17 Q How did picking up shifts work prior to August 23rd, 2021?

18 A So we have a district group meeting for shift coverage,
19 where a lot of baristas and shifts post shifts that need
20 coverage. We also have like word of mouth, where people in the
21 district talked -- talk quite a bit, so it would usually just
22 go between those two channels.

23 Q Did that ever change?

24 A It's still happening now. But now, there's -- Starbucks
25 has an app that a shift coverage would have.

1 Q When did the shift coverage app launch, as far as you
2 know?

3 A As far as I know, it was either late December of 2021, or
4 was it January, 2022? I'm not really sure.

5 Q Have you ever tried to pick up shifts, since the change
6 with the app?

7 A I personally have. But I don't use the app.

8 Q What happened when you tried to pick up a shift? Can you
9 give us an example?

10 A Sure. I tried --

11 MS. POLITO: Object -- ob -- objection. I think the
12 question is unclear. She just testified that she didn't use
13 the app. So maybe it's a different question?

14 JUDGE ROSAS: Okay. Let me get a definitive answer to the
15 question of whether you -- did you ever use the app?

16 THE WITNESS: No.

17 JUDGE ROSAS: Okay. And the question now is?

18 Q BY MS. CACACCIO: Did you ever try to pick up a shift?

19 A Yes.

20 Q Since the app launched?

21 A Yes.

22 Q But you didn't use it?

23 A Correct. Because we didn't have to use it. It was just
24 more of a convenience.

25 Q So what happened when you tried to pick up a shift?

1 A So I -- it was New Year's Day, and I drove over to the
2 Boulevard to drop them off some product, and noticed that they
3 were really struggling and had a lot of problems. So I was
4 going to stay. But I decided to text Greta, the district
5 manager at the time, for approval. Because their store manager
6 wasn't there and their support manager wasn't there. I texted
7 Greta. There was no response. I waited about 20 minutes.
8 Somebody else from another store was on their way too. And I
9 told them that I would go home. And if I heard from Greta, I
10 could just come back. Greta did end up calling me about an
11 hour later and said that they were fine.

12 MS. CACACCIO: I have no further questions for this
13 witness at this time.

14 JUDGE ROSAS: Charging Party?

15 MR. DOLCE: I just have one thing to clarify.

16 **CROSS-EXAMINATION**

17 Q BY MR. DOLCE: The what's been marked as -- hi, Rachel.

18 A Hi.

19 Q And for the record, my name's Mike Dolce. And I represent
20 Workers United, the Charging Party, here. Good to see you
21 again. So what's been marked as Exhibit 59, do you see Exhibit
22 59? You see the nation-wide pay increase?

23 A Yes.

24 Q So you -- you testified that you saw this page 3 --

25 A Yes.

1 Q -- in like a posting. It was like a physical posting in
2 your store?

3 A Yes. Our manager printed this out and put it on our
4 little clipboard.

5 Q And then, so this -- to the best of your knowledge,
6 Starbucks stories and news is from like a Starbucks website?

7 A Yes. That's -- yes.

8 Q And then, so it's -- do you know what the Partner Hub is?

9 A Yes.

10 Q And -- and via this Partner Hub, employees can receive
11 communications through the company?

12 A Right. Yes.

13 Q So this -- this what we're looking at, was this posted on
14 the Partner Hub?

15 MS. POLITO: Objection. Leading.

16 Q BY MR. DOLCE: Or was any --

17 JUDGE ROSAS: Sustained.

18 Q BY MR. DOLCE: Were any -- was any of this -- or was there
19 ever a message with this content posted via a Starbucks
20 communication that was not this communication that we're
21 looking at?

22 MS. POLITO: Objection. Confusing.

23 JUDGE ROSAS: Rephrase that.

24 Q BY MR. DOLCE: What I -- what I'm looking for is -- or
25 the -- the question, I'm sorry, was there ever an announcement

1 on the Partner Hub related to this October 27th, 2021 national
2 wage increase?

3 A Yes.

4 MS. POLITO: Objection to the national wage increase
5 phrase. That's not the title of the document.

6 JUDGE ROSAS: Can we come to an agreement on how to refer
7 to it?

8 MR. DOLCE: I've seen it --

9 MS. CACACCIO: I just called it a seniority-based wage
10 increase. Because that's what it appears to be.

11 MS. POLITO: That's -- that's not what it is, Judge. The
12 document speaks for itself. If he has a question about what
13 was posted on the Partner Hub, he can just ask a general
14 question.

15 JUDGE ROSAS: So is this a -- is this a -- an alleged
16 raise to -- that was going to be offered nationally?

17 MS. CACACCIO: Yes, Judge.

18 JUDGE ROSAS: Okay. A raise to be offered nationally?

19 MS. CACACCIO: Yes, there was.

20 Q BY MR. DOLCE: And -- and -- just a last question on this,
21 sorry for the confusion. So when a message is posted on the
22 Partner Hub, you receive that in like a personal account, or?

23 A No. So --

24 MS. POLITO: Objection. He's leading the witness.

25 JUDGE ROSAS: All right. Sustained.

1 Q BY MR. DOLCE: Do you receive -- when something -- when
2 the company posts something to the Partner Hub, do you
3 personally receive a communication?

4 A No.

5 Q You have to affirmatively -- do you have to affirmatively
6 look at it?

7 A Yes.

8 Q Okay. But would -- but this -- the content of this was
9 posted to the Partner Hub?

10 MS. POLITO: Objection. Leading the witness. She has not
11 testified to that.

12 JUDGE ROSAS: If -- overruled, if you know.

13 A I know that there was a post in the Partner Hub about the
14 wage increase. It had -- I don't know if it was -- I don't
15 remember if it was these exact words, but it was on the Partner
16 Hub, yes.

17 Q BY MR. DOLCE: And to your knowledge, how many partners
18 nationwide have access to the Partner Hub?

19 A Every single one.

20 Q Okay.

21 MR. DOLCE: That's all I have.

22 JUDGE ROSAS: All right. Off the record.

23 (Off the record at 4:09 p.m.)

24 JUDGE ROSAS: All right. On the record.

25 Respondent, cross?

CROSS-EXAMINATION

1

2 Q BY MS. POLITO: Good afternoon, Ms. Cohen.

3 A Hi.

4 Q When you started working for Starbucks, did you receive a
5 partner guide?

6 A I did.

7 Q And did you acknowledge it by signing for receipt of the
8 partner guide?

9 A If I can remember, yes, there was something to sign, yes.

10 Q And did you review the partner guide?

11 A With my trainer, we went over it briefly, yes.

12 Q You testified earlier that the Dear Kevin letter went out
13 on August 23rd, 2021; is that correct?

14 A That sounds correct, yes.

15 Q And shortly after the Dear Kevin letter, you became a
16 member of the union organizing committee; is that correct?

17 A Yes.

18 Q And you told us that you were a strong union advocate,
19 starting after the announcement at your store, true?

20 A Yes.

21 Q And as a strong union advocate, there -- you wore a pin
22 at -- every time that you worked?

23 A I did, yes.

24 Q And there was one occasion where you wore a T-shirt with
25 "Strike"; is that correct, a picture of a strike?



1 A Oh, yes. Yes.

2 Q And during the time that you wore the T-shirt and the days
3 that you wore the pin, you were never disciplined for those,
4 correct?

5 A The shirt, I was disciplined for, the pins I was not.

6 Q So the shirt, someone spoke to you about wearing a shirt?

7 A Yes.

8 Q And that was when -- you testified earlier that someone
9 spoke to you about wearing a graphic T-shirt, is that the T-
10 shirt that you were referring to?

11 A No, that was different T-shirt.

12 Q A different T-shirt?

13 A Yeah.

14 Q What was the other T-shirt?

15 A It was just a -- a white T-shirt with a -- like a flower
16 on it that I was not allowed to wear, with -- I don't think we
17 were allowed to wear white at that time either. But it was --
18 the graphic part, what they didn't like.

19 Q And when you say you were disciplined, you were verbally
20 coached; is that correct?

21 A Yes.

22 Q For both instances, the white T-shirt, and then the T-
23 shirt with the "Strike", both resulted in verbal coaching,
24 correct?

25 A Yes.

1 Q You also told us earlier that prior to August 23rd, 2021
2 the standards at your store had slipped.

3 A That's correct.

4 Q And those standards involve time and attendance and dress
5 code adherence, correct?

6 A Yes.

7 Q And you told us that you recorded a listening session on
8 September 2nd that we listened to today; do you recall that?

9 A I do, yes.

10 Q Do you normally record conversations?

11 A Not usually, no.

12 Q Did you ask for any of your fellow partners for permission
13 to record them?

14 MS. CACACCIO: I'll object to relevance on this. This has
15 been asked before. And I -- I don't see how that's relevant to
16 this proceeding, whether she has permission or not.

17 MS. POLITO: It's completely relevant, Judge, to the
18 appropriateness of a recording that involves other people, and
19 whether or not she got consent from them, when she did the
20 recording.

21 JUDGE ROSAS: For what purpose? Relevant?

22 MS. POLITO: Relevancy and credibility and admissibility.

23 MS. CACACCIO: Your Honor, this witness' credibility, we
24 have case law and I could probably pull it out, if you want me
25 to find it, about how recording can't be related to the

1 witness' credibility.

2 JUDGE ROSAS: Sustained.

3 Q BY MS. POLITO: Do you make it a habit of recording
4 conversations?

5 MS. CACACCIO: Objection. Asked and answered. That was
6 the question before the one I objected to. She said no.

7 Q BY MS. POLITO: So your answer is no?

8 A No.

9 JUDGE ROSAS: She answered it. It was overruled. I think
10 it was slightly different. Okay. The answer stands.

11 Q BY MS. POLITO: And during that listening session on
12 September 2nd, the partners were complaining about staff
13 shortages, correct?

14 A That is correct.

15 Q In fact, some of the partners test -- complained that
16 almost every day there was a call out. Do you recall that?

17 A I do.

18 MS. CACACCIO: Objection. Cumulative. This is in
19 evidence in the recording. Whether she heard it or not is
20 irrelevant. In fact, we already have it.

21 JUDGE ROSAS: Overruled. You can answer.

22 Q BY MS. POLITO: There were also complaints made during --

23 JUDGE ROSAS: Did you answer?

24 THE WITNESS: Yes. Sorry.

25 JUDGE ROSAS: Okay.

1 THE WITNESS: Yes.

2 Q BY MS. POLITO: There were also complaints made during the
3 listening session about the inadequate training, correct?

4 A That's correct.

5 Q And after September 2nd, the training module changed at
6 Starbucks; is that correct?

7 A To my knowledge, that was about the date, yes.

8 Q And sometime after 2nd -- September 2nd, they moved to a
9 single training model; is that correct?

10 A Correct.

11 Q And isn't it true that your store was one of the busiest
12 stores in the area?

13 A Yes, that's true.

14 Q And at some point, you were begging for support for your
15 stores; is that correct?

16 A Yes, that's true.

17 Q And then after that September 2nd listening session, you
18 were given additional people at your store, correct?

19 A Yes, that's correct.

20 Q And you were given 18 people, according to your testimony?

21 A Yes, that's about right.

22 Q So even though you were begging for hours and support, 18
23 people in your opinion was too much?

24 A Yes.

25 Q You told us earlier that you recorded the session because

1 you wanted to make sure that they followed through on things
2 that they were saying; is that correct?

3 A Yes, that's correct.

4 Q And they did in fact follow through on some of the things
5 that were talked about and we just discussed, correct?

6 A Yeah.

7 Q Turning to January 1st of 2022, you -- you testified that
8 you showed up at a store and it was extremely busy; is that
9 correct?

10 A Yes, that's correct.

11 Q You didn't try to take a shift before you showed up at the
12 store; isn't that correct?

13 A No.

14 Q You just showed up to a store and it was busy and you
15 called the district manager to offer to help; is that correct?

16 A Yes. I was -- they had called for product. And I was
17 punching out at work and had the product, so I just dropped it
18 off and noticed that they were drowning. So I --

19 Q And since you were there, you volunteered to help? And
20 the process you were doing that was to call the district
21 manager; is that correct?

22 A Correct.

23 Q And the district manager, you couldn't get a hold of,
24 true?

25 A The truth -- so I texted her. She said she'd get back to

1 me. And then, we just -- she just never did, not at least for
2 an hour or so.

3 Q And she never told you you couldn't work, correct?

4 A She told me that she would get back to me, if I'm punching
5 in. And it took a long time, so I just left.

6 Q Okay. So she never told you. Again, I'm going to ask you
7 for the third time, she never specifically told you you
8 couldn't work that shift, correct?

9 A Correct.

10 Q In fact, she told you she would get back to you. But it
11 took too long, so you left the store; is that correct?

12 A Yes.

13 Q And in doing that, you didn't follow any of the processes
14 in place for picking up a shift; is that correct?

15 A No, I did. So --

16 Q You didn't follow the app, the new app that you talked --

17 A Right.

18 Q -- about earlier, correct?

19 A The app is not a required way to -- to pick up shifts.
20 It's a recommended way. The right way is to make the right
21 call. So the store manager wasn't there. The support manager
22 wasn't there. So my next call would've been the district
23 manager, who I did call. They never --

24 Q And you testified that she texted you back?

25 A Correct.

1 Q And it took too long, so you voluntarily left the store,
2 correct?

3 A Yes.

4 Q And yet you maintain that you were retaliated against by
5 that action, by --

6 MS. CACACCIO: Objection. Argumentative.

7 MS. POLITO: It's not.

8 MS. CACACCIO: Yes, it is.

9 JUDGE ROSAS: Well, what are you --

10 MS. CACACCIO: It's really --

11 JUDGE ROSAS: -- referring to, Counsel?

12 MS. POLITO: There's an allegation in the complaint that
13 this was retaliation. So I am perfectly entitled to ask her
14 questions about it.

15 MS. CACACCIO: Your Honor, that's a legal conclusion. And
16 this witness didn't file that charge. And that's not an
17 appropriate question for this witness.

18 JUDGE ROSAS: I'm going to sustain as to form. Rephrase
19 if you want. We've tried a couple of different ways.

20 Q BY MS. POLITO: Is it your testimony that your district
21 manager didn't get back to you because of your union activity?

22 A That was my belief, yes.

23 Q And what made that your belief?

24 A Because there was no reason that I shouldn't have been
25 able to punch in. And she was available to talk to me, but she

1 just didn't respond to me for -- after the first time for an
2 hour. And the second person who was also on their way was a
3 union supporter, who was also rejected. And it was my belief
4 that that was on her vest, that they would not allow us to --
5 to work there.

6 Q But you testified that she texted you back --

7 A Yes.

8 Q -- indicating that she would get back to you, correct?

9 A Yes.

10 Q And you also told us that despite being a advocate for the
11 union and wearing a pin daily, no one ever disciplined you for
12 that, correct?

13 MS. CACACCIO: Objection. Assumed that's --

14 JUDGE ROSAS: Are you talking about no -- didn't
15 disciplined for the pin?

16 MS. POLITO: For any of her union activity.

17 JUDGE ROSAS: All right.

18 MS. CACACCIO: But that's --

19 JUDGE ROSAS: Let's let -- I'm going to sustain. It's
20 getting compound. You're bringing back a question that had
21 been asked and answered. And you're mixing them in. So I'm
22 going to sustain that as to form.

23 Q BY MS. POLITO: Any other shifts that walked into a store
24 for to volunteer for that you were denied?

25 A No.

1 MS. POLITO: Nothing further, Judge.

2 MS. CACACCIO: May I redirect?

3 JUDGE ROSAS: Redirect?

4 MS. CACACCIO: Yes, Judge.

5 **REDIRECT EXAMINATION**

6 Q BY MS. CACACCIO: Did Greta ever get back to you?

7 A She called me.

8 MS. POLITO: Objection. Asked and answered. She just
9 testified on cross-examination that she texted her, and that
10 said that she would get back to her. And she decided to leave.

11 JUDGE ROSAS: So she's just showing it on cross. It's
12 within the scope of cross. Overruled.

13 Q BY MS. CACACCIO: After that hour, did she get back to
14 you?

15 A She called me after that hour, yes.

16 Q And what did she tell you?

17 A That they were fine and did not need me.

18 MS. CACACCIO: No further questions for this witness.

19 JUDGE ROSAS: Anything?

20 MR. DOLCE: Nothing further from the Charging Party.

21 JUDGE ROSAS: Any follow up on that, Counsel, Respondent?

22 MS. POLITO: Nothing, Judge.

23 JUDGE ROSAS: Your testimony is concluded. Don't talk to
24 anybody about your testimony, until you're told by that counsel
25 otherwise, okay?

1 THE WITNESS: Okay. Thank you.

2 JUDGE ROSAS: Have a good day.

3 THE WITNESS: Thank you, you too.

4 MS. CACACCIO: Judge?

5 JUDGE ROSAS: Okay. Yeah?

6 MS. CACACCIO: If we could just have two minutes? I think
7 I can substitute in the correct GC for the 59. It's
8 downstairs.

9 JUDGE ROSAS: Okay. We'll go off the record.

10 (Off the record at 4:43 p.m.)

11 MS. CACACCIO: So we have had a conversation with
12 Respondent's counsel a little bit earlier in the middle of that
13 last witness. I know yesterday we offered Joint Exhibit 1.
14 And we wanted to -- I want to make clear on the record that
15 we've jointly stipulated that that is -- Joint Exhibit 1 is a
16 meeting with Howard -- with Howard Schultz, on November 6th of
17 2021. I think that's all the rest of that stipulation.

18 MS. POLITO: I'm sorry, I've put my headphones back. And
19 I didn't hear what you said, Judge.

20 MS. CACACCIO: Oh, he didn't -- I -- yeah, I had said that
21 we had discussed that Joint --

22 MS. POLITO: I had heard you. I'm sorry.

23 MS. CACACCIO: Okay. He didn't --

24 MS. POLITO: I didn't hear what the judge said.

25 JUDGE ROSAS: So what do you say?

1 MS. POLITO: I -- sorry.

2 MS. CACACCIO: It's been a day?

3 MS. POLITO: Yes. We've -- we've stipulated that the
4 Joint Exhibit 1 is a video of Howard Schultz, dated November
5 6th, 2021, Your Honor.

6 JUDGE ROSAS: Oh. So Joint -- Joint Exhibit 1 has been
7 received. It is, if it wasn't.

8 **(Joint Exhibit Number 1 Received into Evidence)**

9 JUDGE ROSAS: Okay. Is there anything else at this time?

10 MS. CACACCIO: Not at this time, Judge. I think you
11 should've seen that we did submit our Zoom request for those
12 three witnesses that live out of town.

13 JUDGE ROSAS: So I believe I gave you a -- a schedule on
14 that to reply in writing by Friday?

15 MS. CACACCIO: I think that was a --

16 MR. BALSAM: I -- I -- that -- yeah, Your Honor, that was
17 for a different motion that the counsel for the General Counsel
18 is filing, I believe, today as well with respect to the issue
19 of production.

20 JUDGE ROSAS: Oh.

21 MR. BALSAM: The -- the motion that was filed today, I
22 have actually not even seen. I -- I've had a lot of emails
23 that came through while we were here. But that relates to
24 whether or not you're going to permit certain witnesses from --

25 JUDGE ROSAS: Yeah.



1 MR. BALSAM: -- appearing?

2 JUDGE ROSAS: Videoconferencing.

3 MR. BALSAM: Yeah. Right. That's right.

4 JUDGE ROSAS: And I'd like your response in writing by
5 Friday.

6 MR. BALSAM: Thank you.

7 JUDGE ROSAS: Okay? All right. Let's go off the record.
8 Well, we'll -- we'll adjourn at this point until 9 a.m.
9 tomorrow.

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11 **(Whereupon, the hearing in the above-entitled matter was**
12 **recessed at 4:49 p.m. until Thursday, July 28, 2022 at 9:00**
13 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 3, Case Number 03-CA-285671, et al, Starbucks Corporation and Workers United, held at the National Labor Relations Board, Region 3, Jackson Courthouse, Wyoming Courtroom, 2 Niagara Square, Buffalo, New York 14202, on July 27, 2022, at 9:01 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.

Lee Miller

LEE MILLER

Official Reporter